

Moore, decided July 1, 2003 or *Glassroth v. Moore*, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).
Amendment offered by Mr. OSE:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by this act may be used to issue patents on claims directed to or encompassing a human organism.

Amendment offered by Mr. WELDON of Florida:

"None of the funds appropriated or otherwise made available under by this act may be used to approve a patent application for a human organism.

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC. _____. None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

Amendment offered by Mr. TANCREDO:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to assist any foreign government in the development of consular identification cards.

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement

ment of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The SPEAKER pro tempore. Without objection, further reading of the amendments is dispensed with.

There was no objection.

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

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2799 and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 326 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. 2799.

□ 1225

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. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself 10 minutes.

I am pleased to begin consideration of H.R. 2799, the Departments of Commerce, Justice, State, the Judiciary and related agencies appropriations bill for fiscal year 2004. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities, to the conduct of diplomacy around the world, to predicting the weather from satellites in outer space. The bill before the House today reflects a delicate balance of needs and requirements. We

have drafted what I consider a responsible bill for fiscal year 2004 spending levels for the Departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize the funding in this bill and make hard choices about how to spend scarce resources.

The bill before the House today recommends a total of \$37.9 billion in discretionary funding, which is \$700 million above the enacted level for fiscal year 2003 and \$237 million above the President's request. For the Department of Justice, the bill provides \$20.15 billion in discretionary funding, which is \$1.15 billion above the request.

The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than \$1 billion above the request to support State and local law enforcement crime-fighting efforts. It includes \$4.64 billion for the Federal Bureau of Investigation, an increase of \$424 million above fiscal year 2003 and the same as the President's request. This funding will support almost 2,500 new agents and analysts in the FBI to improve counterterrorism and counterintelligence efforts and to continue fighting violent crime, drugs, corporate fraud, and cybercrime.

The bill includes \$80 million for high-priority FBI technology needs and funding above the request for language translation and training programs. \$2.16 billion is provided for the Drug Enforcement Administration, an increase of \$237 million above fiscal year 2003 and \$57 million above the comparable request to fight drug crime. The amount includes a transfer of the interagency crime and drug enforcement program under the DEA to consolidate drug law enforcement efforts, \$25 million to establish a drug intelligence fusion center to allow agencies to share realtime investigative data, and funding above the request to support 939 new positions, including 434 new DEA and FBI agents. \$3.5 billion is provided for proven State and local law enforcement crime-fighting programs, which is \$1.2 billion above the request.

When combined with funding provided in the homeland security bill, the committee is providing more than \$2 billion above the request for State and local crime control and domestic preparedness funding. The bill restores funds for programs that were proposed to be eliminated, including \$500 million for the Byrne formula program, \$400 million for the local law enforcement block grant program, and \$400 million for SCAAP.

□ 1230

The bill also includes \$179 million dollars for DNA backlog elimination and crime lab upgrades, which is very important to the administration; and \$388 million for violence against women prevention and prosecution programs, and \$462 million for juvenile delinquency prevention and accountability programs.

For the Department of Commerce, the bill provides \$5.3 billion, a decrease of \$475 million below the 2003 level, which is largely a result of the reduction of lower-priority spending in NOAA, and elimination of funding for the Advanced Technology Programs. The bill includes \$319 million for the Economic Development Assistance Programs to assist communities struggling with long-term economic downturns, as well as sudden and severe economic hardship, the same level as 2003; \$1.24 billion for the Patent and Trademark Office to reduce the growing backlog in patent processing, \$57 million above 2003; \$494 million for the international trade agencies to negotiate and verify free trade agreements, \$38 million above 2003; \$3.05 billion for the National Oceanic Atmospheric Administration, NOAA, including \$786 million for the National Weather Service to improve forecasting.

The Judiciary: The bill provides \$5.2 billion for the Federal Judiciary, \$304 million over fiscal year 2003 and \$236 million above the request, to process an all-time-high number of criminal and bankruptcy cases in and of offenders under supervision of probation officers. The bill continues funding for the renovation of the Supreme Court building and Judiciary's critical, vital security requirements.

For the State Department and the Broadcasting Board of Governors, the recommendation includes \$8.4 billion, an increase of \$570 million over 2003 and \$223 million below the request. The committee's 2004 recommendation for foreign affairs agencies is \$2.26 billion above the fiscal year 2000 level. This is an historic increase of 37 percent in just 4 years.

Within this total we are providing \$1.5 billion, the full request, and \$200 million above fiscal year 2003, for worldwide security improvements and replacement of vulnerable facilities. The Department is making great strides to expand and improve the worldwide security construction program, and that is good news for the safety and security of thousands of Americans and foreign nationals who represent us all in the diplomatic frontlines overseas. The bill also includes funding to support over 600 new positions to improve diplomatic security, border security, and diplomatic readiness.

For the related agencies, the bill includes \$2.2 billion, \$83 million above the current level; \$746 million for the Small Business Administration, an increase of \$14 million over 2003, for important lending and assistance programs for the Nation's businesses; \$183 million for the Federal Trade Commission fully funding the Commission's National Do-Not-Call list to protect Americans from intrusive telemarketing calls; \$338.8 million for the Legal Services Corporation; \$841.5 million for the Securities and Exchange Commission to protect American investors and implement the Sarbanes-Oxley Act.

In closing, Mr. Chairman, this is a quick summary of the recommendation before the committee today. The bill gives no ground in the ongoing efforts to fight crime and terrorism and restores the needed help to State and local law enforcement and to address their most pressing needs. The bill also includes funds to protect our diplomats working overseas, increases funding for international trade agencies to negotiate and verify free trade agreements to protect American jobs. It is our best effort to make a difficult choices to match needs with scarce resources.

I want to personally thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been very effective and a valued partner and colleague on this bill. I appreciate his principled commitment and thorough understanding of the programs in the bill.

I also want to thank members of the subcommittee for their help, the gentleman from Kentucky (Mr. ROGERS), the gentleman from Arizona (Mr. KOLBE), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from Louisiana (Mr. VITTER), the gentleman from New York (Mr. SWEENEY), the gentleman from Illinois (Mr. KIRK), the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Alabama (Mr. CRAMER), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from Minnesota (Mr. SABO).

I also want to particularly thank the gentleman from Florida (Mr. YOUNG), full committee chairman, and also the gentleman from Wisconsin (Mr. OBEY), ranking member, for their help. The gentleman from Florida (Mr. YOUNG) has been as fair as one could possibly be, and quite frankly I think he has been an outstanding chairman of the full committee. No one can complain about his leadership.

I also want to thank the subcommittee staff for their relentless efforts in producing this bill. The staff did a fantastic job with what was a very difficult allocation, and we should commend them. I first want to say thanks to Mike Ringler, the clerk of the committee, who leads long nights and made sure everything flowed smoothly as the process went forward. I also want to thank his wife and his family for the time away.

I want to thank John Martens, whose wife recently had a baby and he was part of it, and is always running on full steam even though he has long nights and has been away from home during this period of time.

I also want to thank Christine Ryan Kojac, who has been instrumental in putting together the Commerce section of the bill. She has done a lot of work to help the country that most people will never even know about.

I also thank Leslie Albright, who has fought to make sure funding for the Department of Justice and FBI remains adequate to protect the country.

Again because of her efforts, bad things will not happen; people may not know why, but it is because of good work that Leslie has done.

I also want to thank Anne Marie Goldsmith and Alan Lang, the subcommittee's detailees who have stepped into the subcommittee and done terrific jobs. Both have been able to use their backgrounds to significantly contribute to the subcommittee and have always had a good attitude.

I also want to thank Dan Scandling and Janet Shaffron, on my staff, and J.T. Griffin and Neil Seifring, in my personal staff, for their efforts.

Finally, I want to thank Rob Nabors of the minority staff who has been there with Mike every step of the way as the team has been working on this bill. Also David Pomerantz, Lucy Hand, and Nadine Berg from the Democratic staff who were willing to pitch in.

It is a good bill, Mr. Chairman, and I would urge all Members to support it.

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

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

Mr. Chairman, I would like to start off where the gentleman from Virginia (Mr. WOLF) left off, and that is thanking both staffs for the work they have done. This is a difficult bill. It is a bill that at times is loved by many and at times either disliked or feared by some.

So the staff, as we all know, day after day and night after night, put together the work that they do. The gentleman from Virginia (Mr. WOLF) has mentioned some names, and I want to just reinforce those names and thank both the majority staff and the minority staff for the work they do.

On my staff I would like to pay special tribute to Rob and David for the fact that they just, as the gentleman from Virginia (Mr. WOLF) said, in a relentless way never give up in making sure that things are done properly; and on my staff, Lucy, Nadine, Pete, and everyone else who is back in the office and works towards making this the product that it is to date.

I would also like to join my chairman in thanking the gentleman from Florida (Chairman YOUNG) for his leadership and his understanding and the gentleman from Wisconsin (Mr. OBEY), my ranking member, for the support he gives us in allowing us to go forward with this particular bill.

But this could not be done, none of this, if we did not have the kind of support that we have from the gentleman from Virginia (Mr. WOLF), who is such a shy guy that he actually left the floor so he would not hear me praise him, but he is back.

When we look at the way that we handle politics in this country, when we look at the way we legislate in this country, it is assumed by many people, especially in the media, that if we come from different parts of the country and if we have different political

philosophies that we will never get along and never work together. The gentleman from Virginia and I may be living proof that if we believe in fairness and honesty in dealing with each other, we can in fact work together; and I am here to thank him publicly for taking a very difficult, I believe and our side believes, allocation and meeting to a large extent the needs that our side had and the concerns that we had. He was able to reallocate dollars, to move dollars around, and to do it understanding that in order to have a bill that has bipartisan support, as I am sure this one will be at the end of the day, we do that by understanding the needs that he has and the needs that I have, which are representative of both sides of the aisle.

So I want to thank the gentleman for understanding that and for working with us on this.

The process, as I say, was fair and a fair distribution of very limited resources. I have to compliment the chairman especially for some of the work that we did such as the fully funded Federal Bureau of Investigations, FBI, which has been involved in a great part of our war against terrorism and has needed our support and has received our support.

On the other hand, because the FBI is engaged in the war on terrorism, it has unfortunately, unfortunately and I hope only temporarily, turned away from some of its other duties in the past, such as the fight on drugs. It is not fighting the drug war the way it used to in the past. And for that reason, I am also happy with the fact that we were able to fully fund and go \$43 million above the President's request for the Drug Enforcement Administration, the DEA, to make up for the FBI's deemphasizing on illegal drugs.

The Office of Justice Programs, OJP, this bill restores \$1.2 billion for key State and local law enforcement grant programs including Byrne grants, \$650 million dollars; the local law enforcement block grant, \$400 million; State Criminal Alien Assistance program, \$400 million. In addition, those cultural and science and education organizations such as UNESCO and others that we deal with in the international community have been fully funded; and we, in fact, in some of these can once again join these organizations to play our role in the international community.

The international organizations, also, that handle peacekeeping and that are involved in peacekeeping efforts throughout the world, that has been fully funded at the request of \$1 billion and \$550 million respectively. Worldwide security programs, full funding of the request at \$1.5 billion.

The Legal Services Corporation, I want once again to thank the chairman for caring for some of the issues that so many Members care for, and the Legal Services Corporation, LSC, is one of them. In the past, we were forced to come to the House to try to amend the bill to bring it back to last year's fund-

ing. The chairman has chosen in his tenure as chairman of the committee to make sure that we do not do that, that the bill is dealt with in committee, the agency is dealt with in committee, and in fact, this year with \$10 million above the President's request; and I thank him for that.

Obviously, as we have said before, it has been a difficult allocation, and therefore there are some issues that are still pending and that are difficult. The most important one is the Community Oriented Policing Service, the COPS hiring program, which is underfunded this year. It has been funded properly in the past. It continues to be an important program, and part, Mr. Chairman, of what we are doing here today is hoping that with our support of this bill and our continuing working together with the chairman in a bipartisan fashion that as this bill goes to conference, some of the issues that are still not properly addressed will be addressed. I am confident that the COPS program enjoys a bipartisan constituency both here and in the Senate that will allow it to get the kind of dollars that it needs.

There are, and I can go on, some other issues that still need to be addressed, but on the whole, this bill, I believe, merits our support and this approach merits our support.

I am also happy at the fact that a key amendment that was important to all of us is in the bill, is protected by the rule and, I think, makes a serious statement about the bipartisan effort in our committee.

As I said before, I fully support this bill, and I would hope that at the end of the day, both sides of the aisle see it as the gentleman from Virginia (Chairman WOLF) and I do and give it their full support.

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

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

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member, the gentleman that I said gives us the kind of support that we need on our side to function.

□ 1245

Mr. OBEY. Mr. Chairman, let me simply say that I will be supporting this bill, and I appreciate the approach taken by the subcommittee chairman in putting the bill together. He has, I think, been most fair and balanced in dealing with all of the pressures that were on him, and he has certainly been fair with us.

Let me say, however, having said that, that I think the allocation provided to this subcommittee was totally inadequate. And as the House by now has come to understand, I have had a series of amendments trying to limit the size of the tax cut which will be going to people who make more than \$1 million a year in order to free up some additional investments in programs

such as education, health care and the like.

We tried to do the same thing on this bill, but again, the Committee on Rules refused to make that amendment in order. And so we will not be able to offer and have considered by the House the amendment that would have used a tiny portion of those revenue resources to folks who make over \$1 million a year in order to fund a number of law enforcement activities that we thought were very important.

I do want to mention one provision which is in this bill, which was adopted on a bipartisan basis in the committee, which I am very pleased about. As I think most Members know, there is considerable controversy about just how much of the Nation's airwaves ought to be owned by the media giants of this country.

The existing regulations had provided that no single corporation could own television stations that reached more than 35 percent of the national audience. The FCC, the Federal Communications Commission, in my view ill-advisedly, changed that to increase the percentage of national viewership that could be reached by a single corporate entity in the broadcasting business to 45 percent.

There is a great deal of consternation about that across the country, and I think that consternation is rooted in the fact that the public is beginning to understand that five media conglomerates, Viacom, Disney, AOL Time Warner, Newscorp and General Electric now control a 70 percent share of homes that are watching during prime time.

There are 91 major cable networks, 80 percent of which are owned by the same media conglomerates. Cable news networks are all owned by AOL Time Warner (CNN), Newscorp (Fox News), and General Electric, which is MSNBC and CNBC. The top 20 Internet news sites are also largely owned by the same media giants.

So, in my view, that is a severe threat to democracy. I am pleased that the committee adopted on a 40 to 25 vote the amendment that would assure that we would return to the initial 35 percent limit, rather than expanding it to the 45 percent limit that the FCC tried to foist on the country.

I want to make clear, this amendment does not go beyond television ownership. It does not get into issues such as cross-ownership between newspapers and television. I personally wish it did, because I do not like any of it. But the fact is that we have to be disciplined in deciding how much we can choose to take on at the same time without losing the whole argument.

So we have chosen to confine ourselves to this, the most egregious portion of the FCC rules, in an effort to protect local values, in an effort to protect local diversity of media voices.

I am very pleased that the committee has taken this position, and I would hope very much that the House would

stand behind it as we move to conference with the Senate.

Mr. VITTER. Mr. Chairman, I rise to highlight a section of the Commerce, Justice, State, and the Judiciary bill that affects the citizens of LaSalle Parish, Louisiana. The bill contains provisions that separately direct the Office of Federal Detention Trustee and the Federal Bureau of Prisons to meet bed space needs using excess State and private prison capacity, if these facilities meet the agency's standards. In my home State of Louisiana, there is an empty private prison in Jena, that is located near the Federal Bureau of Prisons facilities at Oakdale and Pollock and near the U.S. Marshals Justice Prisoner and Alien Transportation System, which is commonly known as "CON-AIR."

I believe that Federal use of the Jena prison is a wise use of our government's resources. The folks in the LaSalle Parish are hard-working people that are committed to their community. Reopening this empty prison is of utmost importance to me, and I will continue to do everything within my power to see that it occurs.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 2799, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY 2004. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), Chairman of the Subcommittee and the distinguished gentleman from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of \$60 million for Methamphetamine Enforcement and Clean-Up, otherwise known as the "hot spots" program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the Subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the \$500,000 appropriation from FY 2003, with an emphasis on funding for the cleanup of clandestine labs. In 1999, approximately 37 labs were discovered in Nebraska. By 2002, the problem had increased exponentially to 372 which in turn has placed a huge burden on Nebraska law enforcement. The Nebraska State Patrol will also use the funds for the State crime lab to investigate methamphetamine cases and to continue a drug treatment program for methamphetamine addicts.

Furthermore, this Member is pleased that \$615 million is included in the bill for the popular and vital Byrne grant program. This appropriation is a top priority for Nebraska law enforcement. The Byrne grant program is critical in crime fighting efforts—and especially helpful to Nebraska law enforcement in fighting crimes related to drug use. Clearly, methamphetamine alone is the driving force behind the increase in crime in Nebraska.

The bill also includes important funds for the Juvenile Accountability Block Grants (JAIBG). These funds have been used throughout the State, and specifically assisted Douglas, Sarpy, and Lancaster counties in developing juvenile drug courts. Almost 50 young people

have graduated from the drug courts over the last two years. In addition, Douglas and Lancaster counties have also utilized funds to develop computerized information systems and local graduated sanctions programs.

An additional program of importance to Nebraska law enforcement is the Regional Information Sharing Systems (RISS) program. This Member is pleased that funds are provided for this program. Nebraska is part of the regional Mid-States Organized Crime Information Center (MOCIC). The RISS program provides Nebraska law enforcement with a secure nationwide state-of-the-art information sharing system that uses web technology, allowing officers to access criminal activity information around the country in real time. Additional services include, but are not limited to, analytical assistance, high-tech surveillance equipment loans, intelligence publications, investigative funds, computer forensics and specialized training. As members of the MOCIC, many law enforcement agencies in Nebraska are able to share critical crime-fighting information that these agencies would otherwise not be able to access. As today's criminals become more mobile and technologically advanced, law enforcement's demands for RISS services continues to grow.

Mr. Chairman, in conclusion, this Member urges his colleagues to support H.R. 2799.

Mr. UDALL of Colorado. Mr. Chairman, I rise to state my disappointment with and strong opposition to this bill.

It is one thing to make government more lean; it is another thing to cut jobs year in and year out at facilities all over the country—not because there is fat to cut at these facilities, but because the Subcommittee allocation simply doesn't provide enough money to go around.

Under the bill as it stands, important scientific facilities in my district in Colorado—the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration—will see approximately 200 jobs lost, maybe more. NOAA's labs in Boulder will see a cut of 40 percent in funding in FY2004—that's nearly cutting its budget by half in one year! I don't have as precise information on NIST, but I am told NIST stands to lose roughly 300 jobs between its labs in Maryland and Colorado—fully 10 percent of its staff.

The bill doesn't fund mandatory cost-of-living increases for both NIST and NOAA—so funds for these increases come out of programs and out of the salaries of workers who are left without jobs. Further, the bill does not include funding for safety, maintenance and major repairs required at NIST's campus in Colorado. Without quality laboratory facilities, NIST cannot provide the standards and measurement support industry requires. The bill includes just two-thirds of base funds for NOAA's Space Environment Center in Colorado, which suffered similar shortfalls last year.

Perhaps most insulting of all—the bill would provide no funds for NOAA's facility in Colorado to pay its \$4.5 million in rent. Conferees cut out funding for the rent in last year's bill at the last minute—which is maybe more understandable, as we all know that sometimes odd things happen in conference in the middle of the night. But this cut is far more egregious. It is one thing when programs are trimmed back—it is another when cuts in a bill literally

take the clothes off our employees' backs. NOAA is a Federal agency. How can the Federal Government not pay its rent? How is NOAA supposed to meet this shortfall? Its workload remains the same, but NOAA's resources and workforce are getting progressively smaller.

I thought our goal is to create jobs! This bill will put hundreds of Federal employees out of work!

And the bill hurts the private sector too. It cuts by two-thirds the Manufacturing Extension Program, which assists thousands of small and medium-sized manufacturers across this country. This bill entirely eliminates the Advanced Technology Program, which helps small high-tech start-up companies bring research results to the proof-of-concept stage.

With manufacturing jobs being lost every month and high-tech companies struggling, now is not the time to turn our backs on the manufacturing community and our small high-tech entrepreneurs.

So, Mr. Chairman, I must completely oppose this bill. Unless the bill is greatly improved in conference, it will continue a pattern of bleeding these agencies dry—agencies that do so much to support our Nation's economy and the public's well-being. As the bill stands, it does not deserve the approval of the House.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 2004. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted on April 10.

H.R. 2799 provides \$37.9 billion in new budget authority [BA] and \$40.989 billion in outlays for fiscal year 2004—a reduction of \$1.287 billion in BA and an increase of \$500 million in outlays from fiscal year 2003. Although budget authority in the bill declines by 3.3 percent from the previous year, it is \$241 billion above the President's request.

The bill therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

The bill contains \$1.125 billion in BA savings—\$1.095 in BA and \$383 million outlays from changes in mandatory spending, and \$30.5 million in rescissions of previously enacted BA. It does not designate any of the appropriations provided by this bill as an emergency.

In conclusion, I commend Chairman YOUNG and Subcommittee Chairman WOLF for their hard work and can appreciate the tough decisions that accompanied the crafting of this bill, especially given the current fiscal climate. It is my hope that Chairman YOUNG and Subcommittee Chairman WOLF will continue to weigh both the state of our economy and the safety of our Nation when they represent the House in conference with the Senate.

Mr. REGULA. Mr. Chairman, I rise in support of the Fiscal Year 2004 Commerce, Justice, State Appropriations bill and commend Chairman WOLF for a fair and balanced bill that funds the Justice Department, the Commerce Department, the Judiciary and the State Department.

I want to particularly commend the Chairman for a hearing that the Subcommittee held

on May 22, 2003 regarding the impact of Chinese imports on U.S. companies. As a result of that hearing the bill today includes funding increases for our trade agencies so that they can better enforce existing trade agreements. Many witnesses at the hearing testified that their businesses were being overwhelmed by low-priced Chinese imports that are causing them to down-size and lay-off workers.

The Commerce Department must be more responsive to U.S. companies, and particularly those small- and medium-sized businesses, who are being harmed by imports. In my district, I have heard from many small and medium-sized manufacturers who say they have had to lay-off workers because of Chinese imports.

According to a recent National Association of Manufacturers report, Ohio has lost 97,100 manufacturing jobs between July 2000 and December 2002. This represents an 8.9 percent decline in just over two years. Ohio had the third largest loss of manufacturing jobs behind California and Texas. I urge officials of our trade agencies to take notice of this manufacturing crisis in Ohio and in the U.S.

I will also work with the Chairman to seek restoration of funding for the Manufacturing Extension Program to last year's level as the bill moves forward. This program has been important in allowing small- and medium-sized manufacturers to modernize and remain competitive in the global marketplace.

I commend the Chairman further for the restoration of funds for State and local law enforcement efforts to fight crime in our local communities. This funding has allowed for the initiation of an important project in Stark County, Ohio to link the communications systems of all law enforcement agencies within the county. This will prevent the tragedy that occurred last year when an officer in one part of the county was shot even though agencies in the other part of the county knew an armed and dangerous man was on the loose.

I urge support of this important appropriations bill that funds our local, national and international security needs.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act. I commend the gentleman from Virginia, Chairman WOLF and Ranking Member SERRANO for their hard work on this legislation.

This important spending bill provides critical funding for state and local law enforcement's crime fighting initiatives. I am particularly pleased that H.R. 2799 provides \$500 million for the Byrne formula grant program. Byrne formula grants have long proven to be an important aid to law enforcement agencies and I know that Nebraska law enforcement officials have put this funding to good use.

In Nebraska, these funds support the multi-jurisdictional drug task forces that are invaluable in the state's efforts to combat the influx of methamphetamine (meth) in our communities. In addition, Byrne grants have enabled effective inter-agency and multi-jurisdiction cooperation, information sharing, and technology improvements.

According to the Nebraska Clandestine Lab Team, the number of methamphetamine labs busted in the state increased from 18 in 1998 to almost 250 last year. I cannot overstate the negative impact this dangerous drug is having

on rural communities in my district. Given the vital role Byrne grants play in helping law enforcement officials fight meth production, I appreciate the committee's commitment to this important program.

As a Member of the Congressional Caucus to Fight and Control Methamphetamine, I strongly support the \$60 million in funding for the Methamphetamine Enforcement and Clean-Up program included in H.R. 2799. This legislation sends a strong message to our local law enforcement agencies that the federal government is a partner in fighting the meth scourge in our communities.

Finally, I want to thank the committee for their commitment to the Nebraska State Patrol to carry out their comprehensive strategy for combating methamphetamine in Nebraska. These additional resources will enhance the efforts already in place in Nebraska to address the presence of clandestine labs, distribution of methamphetamine and the need for treatment.

I congratulate the Committee on bringing this legislation to the floor today, and urge my colleagues to support H.R. 2799.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, no amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by the gentleman from Michigan (Mr. LEVIN), each regarding the United States Trade Representative and labor standards.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered read, and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H. R. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice,

\$106,664,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$10,172,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2003: *Provided further*, That not to exceed 31 permanent positions, 33 full-time equivalent workyears and \$3,464,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and \$1,875,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

IDENTIFICATION SYSTEMS INTEGRATION

For necessary expenses for the nationwide deployment of a Joint Automated Booking System and for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, \$20,677,000.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, \$30,136,000: *Provided*, That, of the funds made available under this heading, \$22,000,000 shall not become available for obligation until September 15, 2004, and shall remain available until September 30, 2005.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$103,171,000, to remain available until September 30, 2005: *Provided*, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$1,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing

support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$193,530,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service, \$810,125,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention; the management of funds appropriated to the Department of Justice for the exercise of any detention functions; and the direction of the United States Marshals Service with respect to the exercise of detention policy setting and operations for the Department: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended: *Provided further*, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$56,245,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$10,609,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$620,533,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended, and of which not less than \$1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: *Provided*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding any

other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$128,133,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed \$112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than \$16,133,000: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no employee of the Antitrust Division may accept, nor may the Antitrust Division accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Antitrust Division, or represents a person or corporation subject to regulation by the Antitrust Division, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,526,253,000; of which not to exceed \$2,500,000 shall be available until September 30, 2005, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,113 positions and 10,298 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized,

\$166,157,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$166,157,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,205,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, \$678,672,000; of which \$17,403,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed \$6,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall be available for development, implementation, maintenance and support, and training for an automated prisoner information system and shall remain available until expended; of which \$2,000,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended; and of which not to exceed \$1,371,000 is for constructing United States Marshals Service prisoner-holding space in United States Courthouses and Federal buildings: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,240 positions and 4,074 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$8,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,526,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that

emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,454 passenger motor vehicles, of which 1,843 will be for replacement only; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, \$4,576,730,000; of which not to exceed \$65,000,000 for automated data processing and telecommunications and technical investigative equipment, and not to exceed \$1,000,000 for undercover operations, shall remain available until September 30, 2005; of which \$490,104,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not less than \$153,812,000 shall only be for Joint Terrorism Task Forces; and of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed \$250,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 28,378 positions and 26,805 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, \$61,597,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$1,242,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and purchase of not to exceed 982 passenger motor vehicles, of which 886 will be for replacement only, for police-type use, \$1,601,327,000; of which not to exceed \$33,000,000 for permanent change of station shall remain available until September

30, 2005; of which not to exceed \$1,800,000 for research shall remain available until expended; of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2005; and of which not to exceed \$50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,358 positions and 8,018 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

INTERAGENCY DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$556,465,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Drug Enforcement Administrator for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed \$18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$831,199,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which up to \$2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee

of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2004: *Provided further*, That no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998: *Provided further*, That none of the funds provided in this Act or any other Act for the enforcement or implementation of section 923(g)(5) of title 18, United States Code, shall be expended in a manner that requires any records regarding the acquisition or disposition of a firearm by a licensee to be submitted to the Bureau of Alcohol, Tobacco, Firearms, and Explosives by the licensee unless the records are specifically required during a bona fide criminal investigation to (1) determine the disposition of one or more firearms which are the subject of, or attendant to, the investigation, or (2) identify an individual offender who is the subject or target of the investigation: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That subparagraphs (A) and (B) of 28 U.S.C. 530C(b)(2), are amended by inserting "for the Bureau of Alcohol, Tobacco, Firearms and Explosives," after "Marshals Service," in each subparagraph.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$38, of which \$35 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$4,461,257,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal

penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2005: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$202,840,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which

such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21), and the Victims of Crime Act of 1984, \$209,131,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; \$1,640,861,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That all balances under this heading for programs to address violence against women may be transferred to and merged with the appropriation for "Violence Against Women Prevention and Prosecution Programs": *Provided further*, That funding provided under this heading shall remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one "State" for all purposes under H.R. 728: *Provided*, That funding shall be available for the purposes authorized by part E of title I of the 1968 Act: *Provided further*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which—

(A) \$80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104-294 (42 U.S.C. 13751 note): *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) \$20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728; and

(C) \$5,000,000 for USA Freedom Corps activities;

(2) \$400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) \$2,500,000 for the Cooperative Agreement Program for the improvement of State and local correctional facilities holding prisoners in custody of the U.S. Marshals Service;

(4) \$13,000,000 for assistance to Indian tribes, of which—

(A) \$8,000,000 shall be available for the Tribal Courts Initiative; and

(B) \$5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(5) \$615,000,000 for programs authorized by part E of title I of the 1968 Act, notwith-

standing the provisions of section 511 of said Act, of which \$115,000,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386;

(7) \$70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(8) \$892,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(9) \$55,000,000 for Drug Courts, as authorized by Part EE of title I of the 1968 Act;

(10) \$1,487,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(11) \$1,982,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(12) \$10,000,000 for a prescription drug monitoring program;

(13) \$60,000,000 for implementation of prison rape prevention and prosecution programs; and

(14) \$1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided further, That funds made available in fiscal year 2004 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses to implement "Weed and Seed" program activities, \$51,811,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (including administrative costs), \$682,993,000, to remain available until expended: *Provided*, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime

Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided—

(1) \$20,662,000 for community policing training and technical assistance;

(2) \$25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the 1968 Act;

(3) \$30,000,000 to improve tribal law enforcement including equipment and training;

(4) \$60,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(5) \$28,315,000 for Police Corps education and training; *Provided*, That the out-year program costs of new recruits shall be fully funded from funds currently available;

(6) \$100,000,000 for a law enforcement technology program;

(7) \$56,924,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(8) \$174,353,000 for a DNA analysis and backlog reduction formula program, of which—

(A) not less than \$35,000,000 shall be for increasing State and local DNA laboratory capacity; and

(B) \$10,000,000 shall be for discretionary research, demonstration, evaluation, statistics, technical assistance and training;

(9) \$5,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(10) \$40,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(11) \$13,504,000 for an offender re-entry program, as authorized by Public Law 107-273;

(12) \$17,000,000 for a police integrity program;

(13) \$45,000,000 for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime;

(14) \$41,105,000 shall be available to the United States Marshals Service, of which—

(A) \$28,519,000 shall be for the District of Columbia Superior Court Office; and

(B) \$12,586,000 shall be for fugitive apprehension task forces with State and local law enforcement; and

(15) not to exceed \$26,130,000 for program management and administration.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); \$387,629,000 (including amounts for administrative costs, which shall be transferred to and merged with the "General Administration" account), to remain available until expended.

Of the amount provided—

(1) \$11,897,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) \$2,281,000 for child abuse training programs for judicial personnel and practi-

tioners, as authorized by section 222 of the 1990 Act;

(3) \$994,000 for grants for televised testimony, as authorized by part N of the 1968 Act;

(4) \$183,334,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the Juvenile Justice and Delinquency Act of 1974; and

(C) \$15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108-21;

(5) \$64,503,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) \$39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) \$4,957,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) \$2,981,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) \$9,935,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106-386;

(10) \$39,740,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106-386;

(11) \$4,968,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) \$14,903,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106-386; and

(13) \$7,451,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 66, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 34, line 21, through page 66, line 4, is as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$462,282,000, to remain available until expended, as follows:

(1) \$7,000,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) \$90,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) \$40,000,000 for juvenile delinquency prevention block grants, as authorized by section 241 of the Act;

(4) \$7,000,000 for research, evaluation, training and technical assistance, as authorized by sections 251 and 252 of the Act;

(5) \$50,000,000 for demonstration projects as authorized by sections 261 and 262 of the Act;

(6) \$92,282,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) \$12,500,000 shall be for the Tribal Youth program;

(B) \$20,000,000 shall be for a gang resistance education and training program to be coordinated with the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(7) \$25,000,000 for Project Childsafe;

(8) \$20,000,000 for the Secure Our Schools Act as authorized by Public Law 106-386;

(9) \$20,000,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(10) \$11,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(11) \$100,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107-273 and Guam shall be considered a State.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); \$4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act and \$3,500,000 for education assistance, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in

sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: *Provided further*, That rewards made pursuant to section 501 of Public Law 107-56 shall not be subject to this section.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107-77 shall remain in effect during fiscal year 2004.

SEC. 108. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

This title may be cited as the "Department of Justice Appropriations Act, 2004".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$41,994,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than \$2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$57,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment

of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$395,123,000, to remain available until expended, of which \$13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That \$46,669,000 shall be for Manufacturing and Services; \$38,204,000 shall be for Market Access and Compliance; \$68,160,000 shall be for the Import Administration of which \$3,000,000 is to establish an Office of China Compliance; \$217,040,000 shall be for the United States and Foreign Commercial Service of which \$1,500,000 is for the Advocacy Center, \$2,500,000 is for the Trade Information Center, and \$2,100,000 is for a China and Middle East Business Center; and \$25,050,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,203,000, to remain available until September 30, 2005, of which \$7,203,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and

Economic Development Act of 1965, and for trade adjustment assistance, \$288,115,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$29,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$75,000,000, to remain available until September 30, 2005.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$220,908,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, \$260,200,000, to remain available until September 30, 2005: *Provided*, That, of the total amount available related to the 2010 decennial census, \$112,090,000 is for the Re-engineered Design Process for the Short-Form Only Census, \$64,800,000 is for the American Community Survey, and \$83,310,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$180,853,000, to remain available until September 30, 2005, of which \$80,082,000 is for economic statistics programs and \$100,771,000 is for demographic statistics programs: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,604,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or

previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, \$2,538,000, as authorized by section 391 of the Act: *Provided*, That, notwithstanding section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, \$15,402,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK
OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,138,700,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a fiscal year 2004 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2004, should the total amount of offsetting fee collections be less than \$1,138,700,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed \$100,000,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2004, to remain available until expended: *Provided further*, That from amounts provided herein,

not to exceed \$1,000 shall be made available in fiscal year 2004 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY
TECHNOLOGY ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, \$7,822,000.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$357,862,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$39,607,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$62,590,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to non-profit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, \$2,180,454,000: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, \$79,251,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That, of the \$2,276,705,000 provided for in direct obligations under this heading (of which \$2,180,454,000 is appropriated from the General Fund, \$79,251,000 is provided by transfer, and \$17,000,000 is derived from deobligations from prior years), \$363,239,000 shall be for the National Ocean Service, \$545,072,000 shall be for the National Marine Fisheries Service, \$306,443,000 shall be for Oceanic and Atmospheric Research, \$713,773,000 shall be for the National Weather Service, \$146,334,000 shall be for the National Environmental Satellite, Data, and Information Service, and \$201,844,000 shall be for Program Support: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed \$243,000,000: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the proce-

dures set forth in section 605 of this Act: *Provided further*, That none of the funds under this heading are available to alter the existing structure, organization, function, and funding of the National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center: *Provided further*, That funding provided under this heading for ocean and coastal observing system grants shall require an equal match from other non-Federal sources: *Provided further*, That, hereafter, the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

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

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$794,059,000, to remain available until September 30, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory and for the National Environmental Satellite, Data, and Information Service, which shall remain available until expended: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$90,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under this heading for the costs of direct loans authorized by the Merchant Marine Act of 1936, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$59,000,000 only to finance fishing capacity reduction programs, individual fishing quotas, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished or over-capitalized fishery, and the purchase of assets sold at foreclosure instituted by the Secretary of Commerce: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$44,662,000: *Provided*, That not to exceed 11 full-time equivalents and \$1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$22,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. Hereafter, none of the funds made available by this or any other Act for the National Oceanic and Atmospheric Administration may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less

the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department of Commerce and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2004 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2004 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2004".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$55,360,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect as authorized by law, \$10,591,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$20,665,000.

UNITED STATES COURT OF INTERNATIONAL
TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$14,068,000.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and

judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$4,004,176,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$3,293,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, \$613,948,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$53,181,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$288,941,000, of which not to exceed \$10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$66,968,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$21,440,000; of which \$1,800,000 shall remain available through September 30, 2005, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 378(c), \$700,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$2,600,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$12,746,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

SEC. 304. (a) The Supreme Court shall establish a pilot program under which the Court may repay (by direct payment on behalf of the employee) any student loan (up to \$6,000 per year) previously taken out by an employee serving as a full-time judicial law clerk for the Court.

(b) The Court shall promulgate such regulations as may be necessary to carry out such a program and notify the Committees

on Appropriations of the regulations prior to implementing the pilot program.

This title may be cited as the "Judiciary Appropriations Act, 2004".

The CHAIRMAN. Are there points of order against provisions in that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve a point of order, on page 47.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve points of order.

The CHAIRMAN. The gentleman may not reserve points of order.

Mr. TOM DAVIS of Virginia. Can I strike the last word?

The CHAIRMAN. If the gentleman were to offer a pro forma amendment, then the point of order would come too late.

Members are advised that any points of order in this portion of the bill which we are discussing must be enacted prior to any amendments being offered. Therefore, if the point of order is to be made, it must be made now.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am not going to make any points of order in this section.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, two sections of this, on page 47 and page 55, lines 19 through 23, there are two sections here that are basically legislating on an appropriations bill over which our committees has jurisdiction. We have discussed these sections with the gentleman from Virginia and have come to an agreement that we will not at this point exercise a point of order, but want to work with the committee in the future as they draft these bills to work with our committee so that we can craft appropriate language to meet our mutual goals.

Is the gentleman in agreement?

Mr. WOLF. Mr. Chairman, reclaiming my time, I absolutely am. These are provisions that have been carried before. The gentleman is the new chairman of that committee. Before we do that next year, we will sit down with the gentleman.

Mr. Chairman, I thank the gentleman for bringing these to our attention and for not striking.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis

(not to exceed \$700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,453,260,000: *Provided*, That not to exceed 69 permanent positions and \$7,311,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, \$301,563,000 shall be available only for public diplomacy international information programs: *Provided further*, That, of the amount made available under this heading, not to exceed \$48,000,000 shall be available for the Bureau of International Organization Affairs: *Provided further*, That of the amount made available under this heading, \$3,000,000 shall be available only for the establishment and operations of an Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed \$1,371,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$646,701,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$142,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading: *Provided further*, That, of the funds made available under this heading, \$84,000,000 is for worldwide infrastructure replacement only, which amount shall not become available for obligation until September 15, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$29,777,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$345,346,000, to remain available until expended: *Provided*, That not to exceed \$2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$10,000,000, to remain available until September 30, 2005.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$532,935,000, to remain available until expended as authorized, of which not to exceed \$15,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$861,400,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$1,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$18,782,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$134,979,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,010,463,000: *Provided*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the adopted budget for the biennium 2002-2003 of \$2,891,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$550,200,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable) (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Bound-

ary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$25,668,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,500,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$8,944,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$16,989,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$10,376,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2004, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2004, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$42,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission

and reception to Cuba, \$552,105,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$11,395,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

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

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

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2004".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107-273, \$1,499,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$499,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

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

motor vehicles, \$9,096,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,615,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$1,800,000, including not more than \$3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$328,400,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$278,958,000: *Provided*, That \$269,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced

as such offsetting collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at \$9,958,000: *Provided further*, That any offsetting collections received in excess of \$269,000,000 in fiscal year 2004 shall remain available until expended, but shall not be available for obligation until October 1, 2004: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Communications Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

□ 1300

POINT OF ORDER

Mr. UPTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UPTON. Mr. Chairman, on page 81, "Federal Communications Commission, salaries and expenses," I believe that it is an authorization on an appropriations bill. It is not authorized.

The CHAIRMAN. Is the gentleman identifying the last proviso of the paragraph?

Mr. UPTON. Yes.

The CHAIRMAN. Is there discussion on the point of order?

Mr. WOLF. Mr. Chairman, there was an analysis of the FCC's travel paid for by non-Federal sources. They found that agency officials took more than 2,500 industry-sponsored trips between May of 1995 and February of 2003, costing \$2.8 million. Each of the current commissioners took trips. One commissioner took 44 trips during that time frame, including trips to Las Vegas, Hawaii, and London.

When the issue came out, a member of the FCC staff said that it was because the Committee on Appropriations did not fund their travel. That is not accurate. And as a result of that, we wanted to do this.

One commissioner, who has only been a commissioner since July of 2001, took 12 trips valued at over \$14,000. One career employee took 104 trips valued at \$150,000, including to France, Japan, Singapore, the United Kingdom, and Sweden. That means the regulatees are paying for the trips of the regulator.

So the reason we are putting this in, I would say to my friend from Michigan, was that when this study came out, the FCC said the reason they had to do this was because they were not being adequately funded, which was not accurate and, therefore, they are adequately funded to travel. I think from a public interest point of view, to allow one person to take 104 trips valued at almost \$150,000 to France, Japan, Singapore, the United Kingdom,

and Sweden was why the subcommittee did that from a public policy point of view.

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

The CHAIRMAN. The gentleman from Virginia may not yield in the debate on the point of order.

The Chair will hear each Member individually on the point of order.

Do other Members wish to be heard on the point of order?

Mr. TOM DAVIS of Virginia. Mr. Speaker, I wish to be heard. Let me just say this also falls under the jurisdiction of the Committee on Government Reform. I was coming over to also offer our objection to this section because this was put in without consultation with our committee, and this is under our jurisdiction.

However, after listening to the gentleman from Virginia explain the rationale put forward by both the Federal Communications Commission in defending the policy and looking at the wide array of special interest trips that have been paid for by special interests to employees of the FCC, this is probably an appropriate vehicle to try to stop that process and try to raise the regulatory regime there to make it freer from interest group influence.

Obviously, if somebody goes on a paid-for trip, is put up in a hotel, gets their golf game paid for, and it is paid for by an interest group that is regulated by the FCC, we should stop it.

So we are not going to exercise a motion to strike on this. I agree with the gentleman from Virginia. I appreciate him bringing this forward. I hope he will work with us during the next year as we craft these together so that we can keep these jurisdictionally a little bit clearer.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on his point of order?

Mr. UPTON. No. I think enough has been said.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

Are there amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$183,041,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision

of law, not to exceed \$112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That \$20,100,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than \$50,941,000: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285): *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Trade Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

POINT OF ORDER

Mr. UPTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UPTON. Mr. Chairman, the final proviso under the heading "Federal Trade Commission salaries and expenses," page 84, line 15 through 85, line 3 of the bill violates clause 2 of rule XXI of the rules of the House prohibiting legislation on appropriations bills.

This provision bans commissioners and employees of the FTC to accept payment or reimbursement of a non-Federal entity for travel and related expenses, and would apply towards travel to a convention, conference, or meeting. The only exception provided for in the bill is if the person or corporation paying is an organization exempt from taxation pursuant to 501(c)(3) of the IRS code of 1986.

In short, this language clearly constitutes legislation on an appropriations bill in violation of clause 2, rule XXI of the rules of the House, because it changes current law, and I insist on my point of order.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

Are there amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$338,848,000, of which \$319,548,000 is for basic field programs and required independent audits; \$2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,300,000 is for management and administration; and \$3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2003 and 2004, respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$1,856,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT
CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, \$2,000,000.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$841,500,000; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections:

Provided further, That not to exceed \$738,500,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$103,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2004 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2004 appropriation from the general fund estimated at not more than \$0: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Securities and Exchange Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$326,592,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$13,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,910,000, to be available until expended; and for the cost of guaranteed loans, \$84,805,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2005: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2004 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed \$4,500,000,000: *Provided further*, That during fiscal year 2004 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2004 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further*, That during fiscal year 2004 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, \$72,665,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, \$117,585,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,085,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,085,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

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

STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572), \$3,000,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. TOM DAVIS), my good friend.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for

yielding. Again, section 603 puts a limitation on 5 United States Code section 3109 and restricts the use of temporary outside consultants and experts by the Departments of Commerce, Justice and State to contracts that are a matter of public record.

Because of exceptions to this section, it does not significantly restrict these outside consultants. But this again falls under the jurisdiction of the Committee on Government Reform. We have consulted with the chairman on this. He feels very strongly about this issue. We will not raise a point of order on this, but hope that in the future we can work together on these sections, exercising our joint jurisdictions for the public benefit.

Mr. WOLF. Mr. Speaker, reclaiming my time, we will do that, I can assure the gentleman.

The CHAIRMAN. Are there amendments to section 603?

□ 1315

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO) about an amendment that we are prepared, when we go to conference, to make sure it is not in the bill, which is what he desired. Since his time has passed, and in fairness to others who missed that time, rather than going back, and there may be an objection, I just want to assure the gentleman from Illinois (Mr. MANZULLO) that what he is offering, working with the gentleman from New York (Mr. SERRANO), we will accept that amendment and strike it when we go to conference, in fairness to the gentleman.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I appreciate the gentleman yielding.

Just to identify the amendment, it would be the amendment that occurs on .051, so the Clerk would know that to which we refer, dealing with the Small Business Administration Business Loan Program Account. And I would thank the gentleman from Virginia (Mr. WOLF) for making sure that this provision would go into the conference report.

Mr. WOLF. Reclaiming my time, I will do that and work with the gentleman from New York (Mr. SERRANO); and in order to protect the gentleman's interests, we will do that.

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

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

Mr. SERRANO. Mr. Chairman, we would agree with the chairman and be committed to doing that.

Mr. WOLF. Mr. Chairman, I thank the gentleman.

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

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances

Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton

Schiff	Spratt	Upton
Schrock	Stearns	Velazquez
Scott (GA)	Stenholm	Visclosky
Scott (VA)	Strickland	Vitter
Sensenbrenner	Stupak	Walden (OR)
Serrano	Sullivan	Walsh
Sessions	Sweeney	Wamp
Shadegg	Tancredo	Waxman
Shaw	Tanner	Weiner
Shays	Tauscher	Weldon (FL)
Sherwood	Tauzin	Weldon (PA)
Shimkus	Taylor (MS)	Weller
Shuster	Taylor (NC)	Wexler
Simmons	Terry	Whitfield
Simpson	Thomas	Wicker
Skelton	Thornberry	Wilson (NM)
Smith (MI)	Tiahrt	Wilson (SC)
Smith (NJ)	Tiberi	Wolf
Smith (TX)	Toomey	Wu
Smith (WA)	Towns	Wynn
Snyder	Turner (OH)	Young (AK)
Souder	Turner (TX)	Young (FL)

NOT VOTING—22

Andrews	Ferguson	Meek (FL)
Baird	Gephardt	Nussle
Ballenger	Gonzalez	Payne
Berkley	Hensarling	Peterson (PA)
Blunt	Hunter	Platts
Conyers	Hyde	Slaughter
DeLay	Jefferson	
Dunn	McIntyre	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1343

Ms. ROYBAL-ALLARD, Messrs. SOUDER, OSBORNE and EMANUEL, Mrs. DAVIS of California, Mr. OLVER and Ms. MCCOLLUM changed their vote from "aye" to "no."

Ms. LINDA T. SANCHEZ of California changed her vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chairman, on rollcall No. 402, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore. Are there any amendments to section 605?

If not, the Clerk will read.

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

The CHAIRMAN pro tempore. The motion to strike the last word is not in order from the gentleman from Vermont.

If there are no further amendments to Section 605, the Clerk will read.

□ 1345

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

The CHAIRMAN. Under the rule of the order of the House of today, the gentleman from Vermont (Mr. SANDERS) cannot strike the requisite number of words or any number of words. That privilege is accorded only to the subcommittee chairman and the ranking minority member.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to have 2 minutes to address the House.

Mr. ISSA. Mr. Chairman, I object.

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

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

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my friend.

First, I want to apologize to my friends for forcing them to vote. I have never done this before. It is not my style.

I had an amendment at the desk dealing with an issue of deep concern to tens of millions of Americans and, I think, a majority of the Members of this body, and that is to make an important change to the USA PATRIOT Act so that the FBI is not given carte blanche to go into our libraries or our book stores with no probable cause.

Now, I understand that there are Members who may disagree with that notion. I would tell my colleagues that we have 129 cosponsors, conservatives, liberals, progressives, and the support of the American Library Association, the American Book Sellers Association. What is disturbing me very much is the possibility that this important issue, and both sides of the issue, will not be allowed to be debated this afternoon in this legislation.

Mr. Chairman, I brought forth an amendment which is at the desk. We needed to make, upon advice from the Parliamentarian, some minor modification. I asked the chairman of the committee to give us unanimous consent to make a minor modification so that we could debate both sides of this issue, one of the most important civil liberties problems facing the United States of America, and the chairman refused that courtesy.

So let me be very clear. The American people have a right to read without the FBI looking over their shoulder. The American people have a right to have that issue debated on the floor, and I intend, with my colleagues, to do everything I can to make certain that that occurs.

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

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

Mr. ENGEL. Mr. Chairman, I absolutely agree with everything the gentleman from Vermont said. I support what he is trying to do about the PATRIOT Act.

I do not very often get up to complain about procedure here, but I want to just express my frustration in being a member of the Committee on Energy and Commerce, the authorizing committee. I had an amendment that I was going to introduce. As of 8 p.m. last night, we did not see a bill, so there was no way we could draft the amendment. And then this morning, with the UC agreed to, it effectively cut out members of the Committee on Energy and Commerce that had a bill that deals with our committee that had an amendment.

I just find it very, very frustrating that this UC was done, and had I been on the floor I would have objected.

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Anybody who knows me knows that I am not interested in promoting the Republican agenda. I think that is a safe assumption on both sides of the aisle. But I want to say that I want to defend the subcommittee chairman in this instance.

What happened today is that the schedule for these bills was changed suddenly, with the support of both sides of the aisle, and I appreciate the fact that the change was made. I think it was helpful. So this bill was brought up instead of the Foreign Operations bill. That meant that for us to proceed, we needed to have a unanimous consent agreement on the scope of amendments that would be considered by the House so that Members would have some idea of what the schedule would be.

So what happened is that our staff, understanding what we were trying to do, put together their understandings of what the amendments were, and that was included in the UC agreement.

The gentleman indicated that he had an amendment which is not in order under the rules and needed to be changed somewhat. My understanding is that he asked the gentleman from Virginia to agree to a unanimous consent request. The gentleman from Virginia, in essence, said I cannot do that for you without doing it for other people because then we unravel the whole UC agreement. I think the gentleman from Virginia, under the circumstances, was correct.

Now, I happen to support the content of the Sanders amendment, but I have stood on this floor and I have stood in the whip's meeting, and I have stood in the Democratic Caucus, and I have said to people time and time again, if you want us to protect your amendments, please at least give us adequate notice so that we can try to find ways to do that.

We cannot anticipate, Mr. Chairman. We cannot anticipate all of the amendments that Members want to offer if we have not been given enough lead time ourselves so we can work with those Members.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WOLF) has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 3 additional minutes.)

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

Mr. WOLF. I continue to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Even when we do get notice, sometimes we screw up, and we may have screwed up in a couple of instances today. But all I can say to each and every Member is, we try to cooperate

on both sides of the aisle in protecting Members.

We protected three amendments from this side of the aisle today, with which I fundamentally disagree, and there are a number of other amendments that I do not think should be here either; but we put them all in because that is what we thought the universe was.

With respect to the Sanders amendment, all I can say to the gentleman is, if the gentleman had come to the committee and given us enough time to work with him, we probably could have worked this out. But I fully understand why the gentleman from Virginia thinks that he had to object. He is trying to be fair to both sides, and I think the gentleman owes us notice if he expects us to try to protect his amendments.

Mr. WOLF. Mr. Chairman, reclaiming my time, other Members have been in this situation. The gentleman from Illinois (Mr. MANZULLO) missed the opportunity and could not offer an amendment. The gentleman from Indiana (Mr. PENCE) missed the opportunity and could not offer an amendment, as did the gentleman from Illinois (Mr. SHIMKUS). And I think there were several over on that side. And once you have told them that they have missed their opportunity, to do this now, in essence, I would have to go back.

Also, there are a large number of other amendments that are subject to a point of order.

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

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, in terms of the gentleman from Wisconsin (Mr. OBEY), what I would say with regard to his asking us to give notice, I did not have warning. I turned on the television and found this bill on the floor of the House. Nobody gave us warning this bill was coming to the floor of the House.

Second of all, this is a legislative body. I know the gentleman from Virginia (Mr. WOLF) is a fair man, and if other people have missed their amendments, presumably because this bill has moved so fast, maybe we should give them a chance to have their amendments discussed and debated. That is what we are supposed to do.

This is an enormously important issue. Let us have that debate. Let us have those votes.

But I have to tell my colleagues that on an issue of this importance, I am going to be fighting for it, and I am not going to give up. We are going to have a vote on this.

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

For my part, I would like to comment on what the gentleman from Wisconsin (Mr. OBEY) said. We take our responsibilities seriously. We have a chairman, we have a ranking member of a subcommittee, and we have a chairman and a ranking member of the

full committee. Our intent at all times is to look out for our side, for our needs for the American people, and for the committee package and product in general.

We run into situations like we had today where the schedule was changed, where time ran against us, and we try to do the best possible work that we can do. But I think it would be unfair and perhaps improper to suggest that everyone somehow was involved in trying to keep one amendment or one change or one person from speaking, because that is not true and that is not the case.

What we have here today is the fact that we have a bill that deals with a lot of issues that we need to get out of the House. We have a bill that has a time in terms of making sure that these issues are spoken about prior to the August recess, so we can send the proper message to the State Department and the Justice Department and the embassy security people and the FBI and DEA and all the other people that we deal with. We are trying to accommodate everyone.

Members have to understand that there is one request that I make, and, listen, I get as angry as everybody else about things that happen around here, but one request, and that is, as the ranking member of a subcommittee, and my colleagues know that I am working on a bill for the last 6, 7, 8, 9 months, and this is from the beginning of the session, it is not too much to ask that 2 or 3 days before today to let me know what is going on so I can play my role in being protective, not giving me a general idea, but give me some specifics as to where we are going.

We have a unanimous consent statement and we have to live by it. But, please, let us do one thing, and this is where I join the gentleman from Wisconsin (Mr. OBEY) strongly today. The gentleman from Virginia (Mr. WOLF) is a fair man, and nothing he does is done improperly, and I want to make that clear.

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

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

Mr. OBEY. Let me say, Mr. Chairman, that the gentleman from Vermont indicated that he turned on the television set and discovered the schedule had been changed. I discovered that the schedule had been changed in the middle of the rule vote just minutes before the change was made. The clock runs as fast for managers of the bill on both sides of the aisle as it runs for any other Member.

So what we tried to do was to take the specific amendments that we knew of and tried to protect them. I know of several other instances in which general amendments had been described to me, but about which I knew nothing in terms of specific content.

We cannot protect concepts; we have to know what the specific amendments are. And that is why I repeat, if Mem-

bers want us to protect their rights, and we have an obligation to protect their rights, they owe us the consideration of talking to us enough ahead of time so that when the schedule changes, nobody gets trapped. We cannot help if we do not know in time to help.

There are concurrent responsibilities. I think the Committee on Appropriations on both sides of the aisle meets those responsibilities pretty doggone well. I think we try to protect the interests of Members pretty doggone well. We need more of your help than we are getting sometimes if we are going to do that. That is all I want to ask.

If you want an amendment protected, you cannot come up to us 5 minutes before the bill is going to come up on the floor and say, "I have an amendment, how about it?" It has to be checked out, it has to be staffed out, and it has to be checked with the Parliamentarian.

Mr. SERRANO. Mr. Chairman, reclaiming my time, let me just add to the statement of the gentleman from Wisconsin (Mr. OBEY), this staff that we see around us, and this is not buttering anybody up, works 24-7, especially during the appropriations period, which for us starts in January with over 20-odd hearings. All I am asking as a ranking member, for both sides, is to give us the specifics a few days before. That is what the gentleman from Wisconsin (Mr. OBEY) asked for and that is all that we need so that we can be supportive to Members' needs.

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

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

Mr. WEINER. Mr. Chairman, I do not ascribe venal intent on the part of the gentleman from New York (Mr. SERRANO) or the chairman. This was switched at the last moment.

But given the idea that a UC is supposed to be something that is done by a consensus, and it is clear there were Members on that side that were shut out, Members on this side, including myself, and the gentleman from Vermont wants to make a technical correction, if the true intent was to create a consensus decision on limiting time, something that I support, perhaps the best way to do this is to do this: Now that everyone is on notice, have the committee rise, in the Committee of the Whole, and simply do a new UC.

Mr. SERRANO. Reclaiming my time, Mr. Chairman. We have an agreement on the floor, and we should live with that agreement.

The CHAIRMAN. Are there further amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric

Administration in shipyards located outside of the United States.

□ 1400

PREFERENTIAL MOTION OFFERED BY MR. SANDERS

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

The CHAIRMAN. The question is on the motion offered by the gentleman from Vermont (Mr. SANDERS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 319, not voting 31, as follows:

[Roll No. 403]

AYES—84

Abercrombie	Grijalva	Paul
Baird	Hastings (FL)	Pelosi
Ballance	Hinchey	Rangel
Bell	Holt	Rodriguez
Berry	Honda	Ross
Brown (OH)	Inslee	Rush
Brown, Corrine	Israel	Sanchez, Linda
Capps	Jackson-Lee	T.
Capuano	(TX)	Sanchez, Loretta
Carson (IN)	Johnson, E. B.	Sanders
Clay	Jones (OH)	Sandlin
Clyburn	Klecza	Schakowsky
Cummings	Kucinich	Sherman
Davis (FL)	Lampson	Slaughter
Davis (IL)	Larsen (WA)	Solis
DeFazio	Lee	Stark
DeGette	Lewis (GA)	Strickland
Delahunt	Maloney	Thompson (CA)
DeLauro	McIntyre	Thompson (MS)
Doggett	Michaud	Tierney
Emanuel	Millender	Towns
Engel	McDonald	Udall (CO)
Eshoo	Miller, George	Udall (NM)
Etheridge	Nadler	Van Hollen
Evans	Napolitano	Waters
Farr	Neal (MA)	Watson
Filner	Oberstar	Watt
Ford	Olver	Waxman
Gordon	Owens	Woolsey

NOES—319

Ackerman	Brown-Waite,	Deutsch
Aderholt	Ginny	Diaz-Balart, L.
Akin	Burgess	Diaz-Balart, M.
Alexander	Burns	Dingell
Allen	Burr	Doolittle
Baca	Burton (IN)	Doyle
Bachus	Buyer	Dreier
Baker	Calvert	Duncan
Baldwin	Camp	Dunn
Barrett (SC)	Cannon	Ehlers
Bartlett (MD)	Cantor	Emerson
Barton (TX)	Capito	English
Bass	Cardin	Everett
Beauprez	Carter	Feeney
Becerra	Case	Flake
Bereuter	Castle	Fletcher
Berman	Chabot	Foley
Biggert	Chocola	Forbes
Bilirakis	Coble	Fossella
Bishop (GA)	Cole	Frank (MA)
Bishop (NY)	Collins	Franks (AZ)
Bishop (UT)	Cooper	Frelinghuysen
Blackburn	Costello	Frost
Blumenauer	Cox	Gallegly
Blunt	Cramer	Garrett (NJ)
Boehlert	Crane	Gerlach
Boehner	Crenshaw	Gibbons
Bonilla	Crowley	Gilchrest
Bonner	Cubin	Gillmor
Bono	Culberson	Gingrey
Boozman	Cunningham	Gonzalez
Boswell	Davis (AL)	Goode
Boucher	Davis (CA)	Goodlatte
Boyd	Davis (TN)	Goss
Bradley (NH)	Davis, Tom	Granger
Brady (PA)	Deal (GA)	Graves
Brady (TX)	DeLay	Green (TX)
Brown (SC)	DeMint	Green (WI)

Greenwood	Matsui	Roybal-Allard
Gutierrez	McCarthy (MO)	Royce
Gutnecht	McCarthy (NY)	Ruppersberger
Hall	McCollum	Ryan (OH)
Harman	McCotter	Ryan (WI)
Harris	McCrery	Ryun (KS)
Hart	McDermott	Sabo
Hastings (WA)	McGovern	Saxton
Hayes	McHugh	Schiff
Hayworth	McInnis	Schrock
Hefley	McKeon	Scott (GA)
Hergert	McNulty	Sensenbrenner
Hill	Meehan	Serrano
Hinojosa	Meeks (NY)	Sessions
Hobson	Menendez	Shadegg
Hoefel	Mica	Shaw
Hoekstra	Miller (MI)	Shays
Holden	Miller (NC)	Sherwood
Hooley (OR)	Miller, Gary	Shimkus
Hostettler	Mollohan	Shuster
Houghton	Moore	Simmons
Hoyer	Moran (KS)	Simpson
Hulshof	Murphy	Skelton
Isakson	Murtha	Smith (MI)
Issa	Musgrave	Smith (NJ)
Jackson (IL)	Myrick	Smith (TX)
Janklow	Nethercutt	Smith (WA)
Jefferson	Neugebauer	Snyder
Jenkins	Ney	Souder
John	Northup	Spratt
Johnson (CT)	Nunes	Stearns
Johnson (IL)	Nussle	Stenholm
Johnson, Sam	Obey	Stupak
Jones (NC)	Ortiz	Sullivan
Kanjorski	Osborne	Sweeney
Keller	Ose	Tanner
Kelly	Otter	Tauscher
Kennedy (MN)	Oxley	Tauzin
Kennedy (RI)	Pallone	Taylor (MS)
Kildee	Pascarella	Taylor (NC)
Kilpatrick	Pastor	Terry
Kind	Pearce	Thomas
King (IA)	Pence	Thornberry
King (NY)	Peterson (MN)	Tiahrt
Kingston	Petri	Tiberi
Kline	Pickering	Toomey
Knollenberg	Pitts	Turner (OH)
Kolbe	Platts	Turner (TX)
LaHood	Pombo	Upton
Langevin	Pomeroy	Velazquez
Lantos	Porter	Visclosky
Larson (CT)	Portman	Vitter
Latham	Price (NC)	Walden (OR)
LaTourette	Putnam	Walsh
Leach	Quinn	Wamp
Levin	Radanovich	Weiner
Lewis (CA)	Rahall	Weldon (FL)
Lewis (KY)	Ramstad	Weldon (PA)
Linder	Regula	Weller
LoBiondo	Rehberg	Wexler
Lofgren	Renzi	Whitfield
Lowey	Reyes	Wicker
Lucas (KY)	Reynolds	Wilson (NM)
Lucas (OK)	Rogers (AL)	Wolf
Lynch	Rogers (KY)	Wu
Majette	Rogers (MI)	Wynn
Markey	Rohrabacher	Young (AK)
Marshall	Ros-Lehtinen	Young (FL)
Matheson	Rothman	

NOT VOTING—31

Andrews	Ferguson	Miller (FL)
Ballenger	Gephardt	Moran (VA)
Berkley	Hensarling	Norwood
Cardoza	Hunter	Payne
Carson (OK)	Hyde	Peterson (PA)
Conyers	Istook	Pryce (OH)
Davis, Jo Ann	Kaptur	Scott (VA)
Dicks	Kirk	Tancred
Dooley (CA)	Lipinski	Wilson (SC)
Edwards	Manzullo	
Fattah	Meek (FL)	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1424

Mr. JOHN changed his vote from "aye" to "no."

Mr. HONDA changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 605?

The Clerk will read.

The Clerk read as follows:

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order against section 607 (a) and (b) on the grounds that this section changes existing law in violation of clause 2(b) of House rule XXI. And it is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The provision proposes to state a legislative position of the House and includes language imparting direction.

As such, the provision constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

PREFERENTIAL MOTION OFFERED BY MR.

KUCINICH

Mr. KUCINICH. Mr. Chairman, I move the Committee do now rise.

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

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

RECORDED VOTE

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

The CHAIRMAN. The Chair will count for a quorum.

The Chair, in careful counting, counts 101 Members. A quorum is present.

Mr. KUCINICH. Mr. Chairman, I request a division of the House.

The CHAIRMAN. Does the gentleman withdraw his request for a recorded vote at this point?

Mr. KUCINICH. No.

The CHAIRMAN. The Chair will count for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 307, not voting 52, as follows:

[Roll No. 404]

AYES—75

Ackerman	Hastings (FL)	Neal (MA)
Baird	Hinche	Oberstar
Ballance	Honda	Olver
Berry	Inslee	Paul
Bishop (NY)	Israel	Pelosi
Blumenauer	Jackson-Lee	Rangel
Brown (OH)	(TX)	Rush
Brown, Corrine	Jefferson	Sanchez, Linda
Capps	Kanjorski	T.
Capuano	Kaptur	Sanders
Carson (IN)	Klecza	Sandlin
Clyburn	Kucinich	Schakowsky
Cummings	Lampson	Sherman
Davis (FL)	Larsen (WA)	Slaughter
Davis (IL)	Lee	Solis
DeFazio	Lewis (GA)	Stark
DeGette	Majette	Thompson (MS)
DeLauro	Maloney	Towns
Doggett	Markey	Udall (CO)
Engel	McGovern	Udall (NM)
Eshoo	McIntyre	Waters
Evans	Meehan	Watson
Farr	Meeks (NY)	Watt
Feeney	Miller, George	Waxman
Filner	Nadler	Woolsey
Grijalva	Napolitano	

NOES—307

Abercrombie	Crenshaw	Hayes
Aderholt	Crowley	Hayworth
Akin	Culberson	Hefley
Alexander	Cunningham	Herger
Baker	Davis (AL)	Hill
Baldwin	Davis (CA)	Hinojosa
Ballenger	Davis (TN)	Hobson
Barrett (SC)	Davis, Jo Ann	Hoefel
Bartlett (MD)	Davis, Tom	Hoekstra
Barton (TX)	Deal (GA)	Holden
Bass	DeLay	Holt
Beauprez	DeMint	Hooley (OR)
Becerra	Deutsch	Hostettler
Bell	Diaz-Balart, L.	Houghton
Bereuter	Diaz-Balart, M.	Hoyer
Berman	Dicks	Hulshof
Biggert	Dingell	Isakson
Billrakis	Dooley (CA)	Issa
Bishop (GA)	Doolittle	Istook
Blackburn	Doyle	Jackson (IL)
Blunt	Dreier	Jenkins
Boehlert	Duncan	John
Boehner	Dunn	Johnson (CT)
Bonilla	Edwards	Johnson (IL)
Bonner	Ehlers	Johnson, E. B.
Bono	Emanuel	Keller
Boozman	Emerson	Kelly
Boswell	English	Kennedy (MN)
Boyd	Etheridge	Kennedy (RI)
Bradley (NH)	Everett	Kildee
Brady (PA)	Flake	Kilpatrick
Brady (TX)	Fletcher	Kind
Brown (SC)	Foley	King (IA)
Brown-Waite,	Forbes	King (NY)
Ginny	Frank (MA)	Kirk
Burgess	Franks (AZ)	Kline
Burns	Frelinghuysen	Knollenberg
Burr	Frost	Kolbe
Burton (IN)	Garrett (NJ)	LaHood
Buyer	Gerlach	Langevin
Calvert	Gilchrest	Lantos
Camp	Gillmor	Larson (CT)
Cannon	Gingrey	Latham
Cantor	Gonzalez	LaTourette
Capito	Goode	Leach
Cardin	Goodlatte	Levin
Cardoza	Gordon	Lewis (CA)
Carter	Goss	Lewis (KY)
Case	Granger	Lipinski
Castle	Graves	LoBiondo
Chabot	Green (TX)	Lofgren
Chocoma	Green (WI)	Lowe
Coble	Greenwood	Lucas (OK)
Cole	Gutierrez	Lynch
Collins	Gutknecht	Matheson
Cooper	Hall	Matsui
Costello	Harman	McCarthy (MO)
Cox	Harris	McCarthy (NY)
Cramer	Hart	McCollum
Crane	Hastings (WA)	McCotter

McDermott	Portman	Smith (WA)
McHugh	Price (NC)	Snyder
McInnis	Pryce (OH)	Spratt
McKeon	Putnam	Stearns
McNulty	Quinn	Stenholm
Menendez	Radanovich	Strickland
Mica	Rahall	Stupak
Michaud	Ramstad	Sullivan
Millender-	Regula	Sweeney
McDonald	Rehberg	Tanner
Miller (MI)	Renzi	Tauscher
Miller, Gary	Reynolds	Tauzin
Mollohan	Rodriguez	Taylor (MS)
Moore	Rogers (AL)	Taylor (NC)
Moran (KS)	Rogers (MI)	Terry
Moran (VA)	Rohrabacher	Thomas
Murphy	Ros-Lehtinen	Thompson (CA)
Murtha	Ross	Thornberry
Musgrave	Rothman	Tiahrt
Myrick	Roybal-Allard	Tiberi
Nethercutt	Ruppersberger	Tierney
Neugebauer	Ryan (OH)	Toomey
Northup	Ryan (WI)	Turner (OH)
Norwood	Ryun (KS)	Turner (TX)
Nunes	Saxton	Upton
Obey	Schiff	Van Hollen
Ortiz	Schrock	Visclosky
Osborne	Scott (GA)	Vitter
Ose	Sensenbrenner	Walden (OR)
Otter	Serrano	Walsh
Owens	Sessions	Wamp
Oxley	Shadegg	Weiner
Pallone	Shaw	Weldon (FL)
Pascarell	Shays	Weldon (PA)
Pastor	Sherwood	Weller
Pearce	Shimkus	Wexler
Pence	Shuster	Whitfield
Peterson (MN)	Simmons	Wicker
Petri	Simpson	Wilson (NM)
Platts	Skelton	Wolf
Pombo	Smith (MI)	Wu
Pomeroy	Smith (NJ)	Young (AK)
Porter	Smith (TX)	Young (FL)

NOT VOTING—52

Allen	Gibbons	Nussle
Andrews	Hensarling	Payne
Baca	Hunter	Peterson (PA)
Bachus	Hyde	Pickering
Berkley	Janklow	Pitts
Bishop (UT)	Johnson, Sam	Reyes
Boucher	Jones (NC)	Rogers (KY)
Carson (OK)	Jones (OH)	Royce
Clay	Kingston	Sabo
Conyers	Linder	Sanchez, Loretta
Cubin	Lucas (KY)	Scott (VA)
Delahunt	Manzullo	Souder
Fattah	Marshall	Tancredo
Ferguson	McCrery	Velazquez
Ford	Meek (FL)	Wilson (SC)
Fossella	Miller (FL)	Wynn
Gallegly	Miller (NC)	
Gephardt	Ney	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1450

Mrs. CAPITO, Ms. HART, and Mr. GERLACH changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, as my colleagues are aware, I had an amendment that would have been considered today that I am also offering today as freestanding legislation regarding the United Nations Reassessment Act of 2003, which would call for a conclusion of Congress, a sense of Congress, that the representative of the United States to the U.N. would seek an agreement to lower the assessment level of the

United States for the regular budget of the United Nations when the U.N. Committee on Contributions considers the scale of assessments for member nations for the period 2004 through 2006.

Many Americans may not be aware, Mr. Chairman, that the United States' today's current percentage assessment to the United Nations' regular budget contribution spans fully 22 percent of the overall fund. Germany, another member of the Security Council, pays 9.8 percent; France, 6.5 percent; and China, just 1.5 percent of the regular budget contributions.

As we look at the extraordinary percentage that American taxpayers pay in the regular budget contributions of the U.N., I think it is important that we reflect on the history of recent events and that we think carefully about the months immediately preceding Operation Iraqi Freedom.

Some, even on the floor of this Chamber, Mr. Chairman, have said that during that period of time the President failed to lead America. They have said that diplomacy failed. But I, and I believe many millions of Americans, Mr. Chairman, believe that in fact the U.N. failed at that critical moment in history, not so much to take the will of the American people seriously, as to take itself seriously. There are 16 separate resolutions of the United Nations, over a period of a decade, challenging and cajoling and urging and attempting to enforce the unanimous decisions of the U.N. Security Council against the nation of Iraq; and again and again and again, the United Nations failed to take itself seriously.

And then, last fall, the Security Council, including Germany and France and Russia, unanimously adopted U.N. Resolution 1441, which required that Iraq immediately disclose the possession of all weapons of mass destruction and armaments in violation of previous resolutions; also, that Iraq would not only disclose those armaments, Mr. Chairman, but would submit to the destruction of those armaments, or it would face what were described as "serious consequences."

When history beckoned, Mr. Chairman, the U.N. failed. And as a result, the United States of America was required to lead a coalition of the willing to depose this tyrant, the mass graves which in Iraq speak volumes about the rightness of our cause.

President Kennedy, in referring to the United Nations as our last best hope in an age where the instruments of war have far outpaced the instruments of peace, challenged America in his first inaugural address to pledge our support to prevent the United Nations from "becoming merely a forum for invective."

As I pursue this legislation today, apart from my amendment, I want to assure my colleagues that it will be my aim not that we would abandon the United Nations, but that we would choose the opportunity on this day and future days to send a message by sending less American taxpayer dollars to

the United Nations; to send a message that we expect more of the United Nations; to truly make it a place that is the last best hope for mankind and not, as President Kennedy so prophetically stated, a forum for invective against our people and our intentions as we strive to confront tyranny in the world.

I thank the chairman for yielding and allowing me to comment on the United Nations Reassessment Act, and I look very much forward to working with the committee and my colleagues as we reconsider what the American taxpayers are being asked to provide to an institution that so woefully failed history in these recent days.

Mr. WOLF. Mr. Chairman, reclaiming my time, if I may, as the gentleman knows, under Helms-Biden, which passed in the year 2000, the contribution level was reduced from 25 percent to 22 percent.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding for the purposes of a colloquy.

The House State Department authorization bill, H.R. 1950, included provisions that prohibited the elimination of the Voice of America and Radio Free Europe broadcast essential to Eastern Europe for another 2 years. While the authorizing level was 8.9 for fiscal year 2004, my amendment would have authorized \$5.5 million for the funding of the international broadcast for the purposes of continuing Voice of America and Radio Free Europe to the newly emerging democracies in Eastern Europe, particularly Estonia, Latvia and Lithuania, and the other countries of Central and Eastern Europe.

This amendment we thought would have been a reasonable request because the authorization bill had \$8.9 million. This would have asked for \$5.5 million from various accounts in the appropriation process.

Despite new demands on the U.S. Government resources for expanded international broadcasts to other regions, we agree with both the chairman and the ranking member of the House Committee on International Relations who have agreed that these broadcasts to the Eastern European countries, the newly emerging democracies, is an important aspect of what we should be doing in foreign policy. It has only been 10 years since the Soviet military occupation ended in Lithuania, Latvia, and Estonia; and the last 50 years of Soviet-imposed communism distorted the social, economic, and political order of these countries.

□ 1500

Much has changed for the better in these three countries and the rest of Eastern Europe, but corruption is still pervasive and touches every sector of these young democracies. Even the European Union and NATO, which have invited these young countries to be members, have admonished these can-

didates for corruptive levels in their government that threaten the development of their democracies.

U.S. international broadcasting serves as a role model to indigenous media of Eastern Europe of what non-partisan, fair and accurate new coverage should be and as a standard by which local audiences can measure their own media performance.

In small countries like the Baltics, U.S. international broadcasters also fill an important niche as a balanced source of international news, which local news operations, lacking in financial resources, cannot afford. To cease Voice of America and Radio Free Europe broadcasting to Eastern Europe including Estonia, Latvia, and Lithuania, most importantly would weaken the ability of these countries' media and civic societies to withstand the social, political and economic pressures of their transition to stable, democratic and free market states.

Let us not lose our investment in these valuable European allies. And I urge the chairman, as we move this bill forward, to really consider the risk of not having a fair, balanced voice in the media to these new, emerging democracies, one that can be dominated only by media that is coming out of Moscow.

Mr. WOLF. Reclaiming my time, I share the gentleman's concerns, particularly with regard to one of the countries mentioned, Romania, but as the gentleman knows, the President's request proposed the elimination or reduction to broadcasted nations that have either entered or are on the road to joining the European Union or have been invited into NATO.

And the International Broadcasting Bureau has additional money because the President's request prioritized money to the Middle East and the Muslim world, including Southeast Asia, to bolster the efforts of the war on terrorism.

So we do have report language to require the Broadcasting Board of Governors to closely monitor the situation in those countries and inform the committee of any changes that would alter the priorities.

But I understand what the gentleman is saying.

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

Mr. Chairman, first of all, I would like to make one technical request, and that is at certain times when the chairman speaks, someone should turn up the mike so we can hear ourselves.

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

Mr. ENGEL. Mr. Chairman, I thank my friend from New York (Mr. SERRANO) for yielding to me and at least giving me the opportunity to air my amendment and some of the grievances.

As I said before, I have no desire to frustrate colleagues; but a lot of us here are very frustrated over the quick change that was made with the unani-

mous consent and our inability now even to ask to strike the last word. The gentleman from New York (Mr. SERRANO) is one of my best friends. We have served together. We come from the same town.

I just want to say that my frustration is that last night at 8 p.m. this bill had not been introduced. A copy was not available to start the process of review or drafting of amendments. This morning we had the text of the bill on line, but not the accompanying report. And now we have a unanimous consent to limit amendments to ones that were preprinted in the RECORD, which for Members not on Appropriations is impossible, unless it is a simple limitation or "to strike" amendment.

I have an amendment which would move money from the National Telecommunication and Information Administration to the Public Telecommunication Facilities, Planning and Construction Program, which is called TFPC. Both of these are under the jurisdiction of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce, on which I sit. As a courtesy to the authorizing committee members, I believe we should have an opportunity to review the bill and offer amendments.

Even more troubling is that the Committee on Appropriations has provided \$1.3 million more for NTIA than the President requested, while cutting PFTP by \$40 million.

My amendment would simply move \$1,310,000 to the PFTP from the NTIA. And I think the whole House should have an opportunity to vote on what the priorities for funding in this bill are.

I feel very strongly about public television. That is what my amendment would have done. I would like to have had the opportunity to be able to voice that and to have a vote. That is not going to happen; and in a desire for expediency, we have thwarted the democratic process. I share the frustration of my colleague from Vermont and other colleagues who do not have the opportunity.

Again, as a member of the authorizing committee, the Committee on Energy and Commerce, I believe that what went on here was wrong and should not happen again.

I thank the gentleman from New York (Mr. SERRANO) for giving me the ability to voice these problems on the House floor, and I would hope that as we negotiate this bill and continue to negotiate with the other House and the bill comes back that we will increase money for public television, we will increase money for the PFTP. And I would hope that on both sides of the aisle they look at that and can find more money for the very worthwhile programs of public television. I thank my colleague.

Mr. SERRANO. Reclaiming my time, I thank the gentleman from New York (Mr. ENGEL), my brother, his comments. We understand his frustration,

but his last comments were correct. As this bill goes along and continues to go into conference, it is the intention of both the chairman and I to continue to work on those areas that are deficient in the hope that they could grow as they should.

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

The gentleman from California (Mr. ISSA) is supposed to be here, but in the interim, just to briefly discuss the issues.

The bill provides, as people know, the funding for the programs whose impact ranges from the safety of people in their homes and community diplomacy. The overall bill today recommends a total of \$37.9 billion in discretionary funding, which is \$700 million above the enacted level of fiscal year 2003 and \$237 million above the President's request.

For the Department of Justice, the bill provides \$20.15 billion in discretionary funding, which is \$1.15 billion above the request. The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than \$1 billion above the request to support State and local law enforcement crime-fighting efforts. That has been an issue that a lot of people have been deeply concerned about.

It provides \$4.64 billion for the Federal Bureau of Investigation, an increase of \$424 million above fiscal year 2003 and the same as the President's request. This will result in more than 2,500 new agents and analysts at the FBI to improve counterterrorism and counterintelligence and continue the fight on crime, drugs, corporate fraud and cybercrime.

Also, there is \$80 million for high-priority FBI technology needs and funding above the request for language translation.

Mr. Chairman, I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Virginia (Mr. WOLF) regarding a serious problem my constituents are facing with the Department of Justice. I had originally planned to file an amendment to limit funding for the Department of Justice by \$1.5 million until they settled over 90 administrative claims that my constituents filed against the Department of Justice as a result of the destruction of their property during the Pines Fire of 2002.

In the summer of 2002, the Drug Enforcement Administration borrowed a National Guard helicopter to perform a marijuana search in Julian, California. The helicopter pilot made a mistake and clipped a power line causing a fire that destroyed 41 homes and thousands of acres of private property. The DEA took responsibility for the incident and agreed to give claimants fair compensation for their loss. About 200 claims were filed.

It has been nearly a year since the first claim was filed and the Department of Justice still has failed to settle over 90 of the largest claims. Some of my constituents have resorted to living in tents on their property because they do not have the money to rebuild their homes.

This morning I met with senior officials of Department of Justice and I believe that we are on the path to resolving this issue. I thank the gentleman from Virginia (Mr. WOLF) for working with me to ensure that the Department of Justice successfully settles every claim, and I look forward to putting this matter behind us.

Mr. WOLF. Reclaiming my time, I thank the gentleman from California (Mr. ISSA) for bringing this matter to our attention. We are confident that the Department of Justice will soon resolve the issue, and I will continue to work with the gentleman to make sure this happens.

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

Mr. Chairman, I understand that shortly the gentleman from Vermont (Mr. SANDERS) will be offering yet another motion to have the committee rise. Before that happens, I just want to make one point.

I recall last week when the gentleman from Vermont was sitting here on the floor, and I was kidding him about how it is that the only Socialist in the House has been able to pass more amendments to appropriations bills the past 2 years than any other Member. And he told me if I wanted to have a similar success rate, I should listen more to him. And perhaps I should.

And I want to point out that last week I worked with him and the committee worked with him and we were able to restructure an amendment that he had on weatherization so that the committee wound up accepting the amendments adding, I believe, \$15 million to that appropriation. That happened because there were no procedural surprises, and we had the time to work out that amendment.

The schedule that we worked on today has been sort of a surprise to everybody. The gentleman from Virginia (Mr. WOLF) did not know that his bill was going to come up before the Foreign Operations bill. I did not. Those decisions were made in a rather disorderly fashion because we are trying to accommodate each other in the last week of the session.

I regret the fact that the amendment that the gentleman wants to offer is out of order, but I would simply point out that I have a personal track record of trying to work with the gentleman in trying to facilitate his amendments.

I think the committee has tried, in general, to help Members, whether they agree with their amendments or not, to see that they have an opportunity to have them discussed before the House. But in this instance we have now had two votes and shortly, appar-

ently, are going to have a third because the gentleman is upset because somehow either the House or the committee is seen as being to blame for the fact that the gentleman filed last night an amendment which he knew was out of order.

And I, for the life of me, do not understand why the gentleman from Virginia (Mr. WOLF) or I or the gentleman from New York (Mr. SERRANO) or anyone else on the committee should be held responsible for the fact that the gentleman filed an amendment which he knew to be out of order when he filed it.

I would like to accommodate the gentleman as often as we can, but I do not think the House ought to be held at bay because the gentleman made a mistake in drafting his amendment.

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

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

□ 1515

Mr. SANDERS. Mr. Chairman, let me review the situation and set the facts right.

Number one, historically, it has been my experience, and I think the experience of many Members, that when one files an amendment, when it is placed in the CONGRESSIONAL RECORD, that, in every instance that I can recall, when one asks for unanimous consent to make a minor modification, that unanimous consent is granted.

Mr. OBEY. Mr. Chairman, if I can take back my time to correct that, on two occasions in the past 3 or 4 years, I myself have tried to correct amendments; and I have been denied that opportunity.

Mr. SANDERS. If the gentleman would allow me to make the point.

Mr. OBEY. I would, but I want to make sure it is a correct point. Go ahead. I yield.

Mr. SANDERS. Mr. Chairman, the reality here is that throughout this country today, over 100 cities and towns have spoken out, including three States, with deep concern about various aspects of the U.S.A. PATRIOT Act. For many people, conservatives and progressives, the decline of civil liberties in this country and the ability of the FBI to go into libraries and bookstores is an issue of enormous concern. It is beyond my comprehension why that issue cannot be debated on the floor of the House.

Maybe my amendment would win. We have 130 cosponsors. Maybe it would lose, but when we talk about the democracy, how can we not debate an issue of enormous consequence regarding civil liberties, and that has been my simple request.

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

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would simply say, with all due respect to the

gentleman, the content of his amendment is not in question. I support the amendment. I would like to see the House vote on it, but the gentleman from Virginia is in a position where if he makes an exception to a unanimous consent agreement entered into for one Member, then he has to do it for everyone else; and the fact is that the gentleman himself, if he wanted the amendment considered, had some obligation to the House to have the amendment printed in a form that he knew was in order. He knew that the amendment was not in order when he filed the amendment.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, no, that is not correct.

Mr. OBEY. I am sorry, but everyone else knew it. I assume he knew it, too.

So, Mr. Chairman, we are obviously going to grind to a halt; and I am afraid that as a result of that, we will wind up going up to the Committee on Rules and adopting a far more limiting amendment which I do not believe we ought to do because I do not believe in shutting down the minority like that. But I do think you have to have some sense of responsibility on the part of all parties, including those who belong to no political party in this House, if we are going to make our way through this week; and with all due respect to the gentleman, who I regard as a friend and have a great deal of affection for, I do not believe that it is fair to hold the House hostage because the gentleman drew an amendment that was not in order.

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

I just want to say to my friend and gentleman from Vermont that I do not think anyone here is discussing the merits of the issue. At the risk of using an old phrase since September 11, perhaps since September 12, everybody on the Committee on Appropriations knows that I have made a career, if you will, of denouncing the abuses on civil liberties in this country. I think the gentleman knows that. I think all Members who have come in contact with me know that. I have become a broken record on the issue of what is happening to us as a Nation in terms of our civil liberties.

We are not discussing that at this very moment. We have a problem. We are charged with the responsibility of getting a bill through the House that, in addition to dealing with this particular issue that the gentleman speaks to, also deals with the security of our embassies overseas; that pays the salaries of the men and women who do the fighting against drugs in this country; and that goes across the way in putting together the kind of legislation that we call the Commerce, Justice, State, Judiciary and related agencies bill.

If nothing else is accomplished today, and it does look, as the gentleman from Wisconsin (Mr. OBEY), the ranking member, has said, like we are head-

ing towards a very difficult rule coming out of the committee, if nothing else happens today, I think it is important for the gentleman from Vermont to know that nothing on this side, and I do not believe anything in the gentleman from Virginia's (Mr. WOLF) behavior had anything to do with the desire to shut down the discussion of civil liberties. I will never be part of that. On the contrary, I would fight for time to be involved in that fight.

This is about a process, a process that some people, somehow, did not become part of, did not alert us about, did not ask us to be involved in, to be of assistance; and now we have come to this point. I understand that.

In the past, I have engaged in behavior that says we have to get things done; but just for the record, this ranking member, this Member from New York, would never participate in an action to shut down a discussion on civil liberties because that, to me, is the strongest issue as ranking member of this committee; and I will not rest till I undo the harm that has been done to the people in this country. This was about a process, not about a shutting down of discussion.

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

Before I recognize the gentleman from Mississippi (Mr. WICKER), let me say I thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. SERRANO) for the comment.

To the gentleman from Vermont (Mr. SANDERS), we have been very fair. In fact, we have been very fair to every Member in the House, on both sides of the aisle; and I think the gentleman from Wisconsin's (Mr. OBEY) points are well taken. There are other amendments that have not been made in order, and I am not going to get into a debate. If the gentleman wants me to yield, I will yield to him; but I think we have been fair, and I did just want to thank the gentleman from Wisconsin (Mr. OBEY), and I want to thank the gentleman from New York (Mr. SERRANO) for the comments.

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

Mr. WOLF. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I appreciate the opportunity to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) about the valuable services provided by the Police Corps program, which is funded in this bill.

Mr. Chairman, the Police Corps program has had remarkable success in training and preparing our Nation's law enforcement officers. In just 5 years, 22 States have organized and implemented Police Corps programs, and five more States have been approved but await funding.

Over 1,000 Police Corps officers are already at work in various State and local agencies. Each of these officers receive a \$30,000 college scholarship and 24 weeks of training in exchange for a

4-year service commitment. More than 85 percent of Police Corps officers remain on the job after their required service is complete.

I believe every member of this committee recognizes the important role the police officers play in the protection of our Nation and our citizens. I applaud the chairman and the rest of the CJS committee for the commitment they have shown to the Police Corps program.

The \$28 million appropriation for Police Corps in fiscal year 2004 is greatly needed. This amount is almost double the \$15 million appropriated in fiscal year 2003. However, due to the past underestimates in program costs, Police Corps is still struggling to fund its existing State appropriations and is not able to fund additional programs which have already been approved.

I would like to ask the gentleman from Virginia (Mr. WOLF) his view regarding the important training conducted by the Police Corps program, and I would ask if any additional support may be available for this much-needed program.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments on the importance of the Police Corps. I have heard from several other Members on this issue, and I know that many of our colleagues would agree with the gentleman about the role this program has had in helping to provide an exceptional level of training for our Nation's police force.

I support the program. It is a good program, and I will work with the gentleman and the Senate to ensure the program is well funded in the conference.

Mr. WICKER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Virginia (Mr. WOLF), and I look forward to working with him and other members of the committee to provide more funding for the Police Corps program.

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

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the chairman for yielding, and I think the problem, Mr. Chairman, is when the gentleman indicates that other people are also impacted negatively by this process. It suggests that the process we worked on today, or that my colleague and others engaged in, was a faulty process. It is not my intention to bring this body to a halt, and I will not ask for another motion to rise; but I must say, nobody should be happy that the American people are not going to have a debate on one of the most important constitutional issues facing this country. This process was very, very faulty; and I think it is unfortunate that that occurred.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2004.

SEC. 611. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 612. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall

be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2004.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, and the Small Business Administration shall each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished employee performance: *Provided*, That, not later than six months after the date of the enactment of this Act, each of the aforementioned entities shall provide that the requirements of this section are applied to 100 percent of the workforce: *Provided further*, That, of the funds appropriated in this Act

for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, \$250,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided further*, That, every six months, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs, and uses of funds designated under this section: *Provided further*, That each Department or agency shall designate a "Telework Coordinator" to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. The paragraph under the heading "Small Business Administration—Disaster Loans Program Account" in chapter 2 of division B of Public Law 107-117 is amended by inserting "or section 7(b) of the Small Business Act" after "September 11, 2001".

SEC. 624. None of the funds in this Act may be used to grant, transfer or assign a license for a commercial TV broadcast station to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in TV stations which have an aggregate national audience reach, as defined in 47 C.F.R. 73.3555, exceeding thirty-five (35) percent.

SEC. 625. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms, and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

"(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

"(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime."

TITLE VII—RESCISSIONS DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE (RESCISSION)

Of the unobligated balances available under this heading, \$24,122,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES (RESCISSION)

Of the unobligated balances available under this heading, \$6,378,000 are rescinded.

The CHAIRMAN pro tempore (Mr. TERRY). Are there amendments at this point?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

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

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

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by the act may be used to issue patents on claims directed to or encompassing a human organism.

□ 1530

Mr. WELDON of Florida. Mr. Chairman, technology proceeds at a rapid rate, bringing great benefits to humankind from treatments of disease to greater wealth and greater knowledge of our world. However, sometimes technology can be used to undermine what is meant to be human, including the exploitation of human nature for the purpose of financial gain.

Several weeks ago, at a meeting of the European Society of Human Reproduction and Embryology in Madrid, Spain, it was reported that scientists had created the first male-female hybrid human embryos. The researchers transplanted cells from male embryos into female embryos and allowed them to grow for 6 days. This research was universally condemned as unnecessary and unethical.

Reuters reported that one member of the European Society condemned this research, saying there are very good reasons why this type of research is generally rejected by the international research community. Furthermore, the scientists who created these she-male embryos reportedly want to patent this research.

It is important that we, as a civilized society, draw the line where some rogue scientists fail to exercise restraint. Just because something can be done does not mean that it should be done. A patent on such human organisms would last for 20 years. We should not allow such researchers to gain financially by granting them an exclusive right to practice such ghoulish research.

Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though current policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice, it is about time that Congress should simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these activities.

This amendment simply mirrors the current patent policy concerning patenting humans. The Patent Office has, since 1980, issued hundreds of patents on living subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings

nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

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

I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying that this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, no, it would not. And I recognize that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put us on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman's clarification.

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

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was agreed to.

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

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

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

Mr. WEINER. Mr. Chairman, I thank the distinguished ranking member of the subcommittee and the full committee for the work they have done on this bill. We stand ready to pass this appropriation bill that contains an egregious error that not only runs counter to a majority in this Congress, but it runs counter to the views of the Attorney General.

The Attorney General, when asked about the COPS program during his confirmation hearing, said, "Let me say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional people, feet on the street, that crime will be affected and that people will be safer and more se-

cure. We believe that the COPS program demonstrated that conclusively." That was June 5, 2003, not at his confirmation hearing.

Well, in addition to Mr. Ashcroft, 224 Members of this body have signed on to legislation that I and others are cosponsoring to reauthorize the COPS program. The COPS program, quite literally, gets the Federal Government off the sidelines in the war against crime, the war against terrorism, and hires police officers in all our communities. This bill that we are about to pass contains zero money, zero dollars and zero cents, for the most important component, which is the hiring component.

There are a few dollars to keep the COPS office up and running to administer the last remaining contracts that are out there, but let us keep in mind what it is that the program has already accomplished: 110,000 cops are on the beat in more than 12,000 communities.

And this is the most democratic, with a small "d", of programs in that it is spread almost equally throughout the country. More than 82 percent of the grants under the COPS program have gone to departments serving populations of 50,000 persons or less. Three hundred communities around this country now have police departments that did not even have them until the COPS program was put into place.

Well, not only do those of us in Congress believe in this program, at least those 224 of us who have cosponsored the reauthorization of the COPS program, but the Fraternal Order of Police, the International Association of Police Chiefs, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs Association and on and on.

This is our opportunity to fund that program. This is our chance to say that in addition to supporting it and cosponsoring the legislation, we also want to provide the funding for it.

Mr. Chairman, I have the strange suspicion that despite the great success of this program, despite the fact that every day our leaders are standing up and saying that homeland security begins in our hometowns, despite the fact that every day we have a red, a yellow, a fuchsia, a teal alert telling our officers at home they better be on alert, we are eliminating perhaps the most successful anticrime program in the history of the Federal Government. And, today, in this bill, we do precious little to breathe life into it.

I had intended to offer an amendment to move a few dollars, not a lot, but a few dollars into the spending program for the hiring of additional COPS police officers. It had the support of some of my colleagues on both sides of the aisle who were going to offer the amendment with me.

Let me say there is more that we should do than just reinstitute the hiring program. We should respond to some of my colleagues, particularly on the Republican side of the aisle, who

have had criticism of the program. They said that it provided hiring funding, and then it gradually faded away and some departments did not want to hire any more officers. That is why my reauthorization bill would allow them to use the funds under the COPS program to backfill existing officers.

Secondly, my amendment and the reauthorization bill, would it be passed, would allow them to invest in technology, in police scanners, surveillance devices, and the like.

This is one of those instances that, unfortunately, are not too uncommon in this body, where a majority, a strong majority of Members feel that something should be done and a small minority of Members prevent it from being done. This was our opportunity to do it, and I would have liked the opportunity to offer it.

I should point out that my colleague, the gentleman from New York (Mr. SERRANO), is a cosponsor of the bill to reauthorize it; my colleague, the gentleman from Wisconsin (Mr. OBEY), a cosponsor of the bill to reauthorize the COPS program. And were we to have the opportunity to have a hearing, a debate, and a vote on it in the Committee on the Judiciary, I am quite certain it would pass.

Our colleagues on the other side of this building, in the other body, they too have demonstrated their support for it. They have more than 50 cosponsors there as well.

Let this bill be heard. Let the COPS program live to see another day. This is neither a Republican nor a Democratic initiative. Police officers, I would point out, tend to in many, many cases be Republican voters. But that is not what this is about. This is about a program that worked, that had the misfortune of having President Clinton's name in front of it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I just want to clarify something that the gentleman, my brother from New York, said. It was not that a majority wanted something and a small group stopped it. It was that we had a unanimous consent. And by virtue of its being unanimous consent, one could argue that it was the majority that made that decision, fair or unfair as it was.

And it was not the attempt of anyone here, not the gentleman from Wisconsin (Mr. OBEY), not I, to shut anyone down.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT NO. 10 OFFERED BY MR. PAUL

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS
TO UNESCO

SEC. _____. None of the funds made available in this Act may be made available for the

United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. PAUL. Mr. Chairman, my amendment is very simple and clear. It is to strike the funds for UNESCO. We have been out of UNESCO since 1984, since President Reagan took us out of UNESCO, and the proposal now is that we rejoin. And this strikes the funding, which I think is a good idea.

UNESCO was started with a bad idea. It became very corrupted, and it was almost unanimous that we get out of UNESCO in 1984, and actually I see no reason for us to rejoin.

Let me just mention a few things that UNESCO is involved in. They came across, when we were in there, as being very anti-American, certainly anti-freedom, and certainly anti-first amendment. UNESCO's main function is to muddle in the education affairs of individual neighborhoods, nations, by proposing global school curriculums; something that we hardly need.

In one of the publications put out from UNESCO it describes rather well what their intentions are. The publication is called *Toward World Understanding*. Let me just quote from that.

"One of the chief aims of education today should be to prepare boys and girls to take an active part in the creation of a world society. As long as the child breathes the poisoned air of nationalism, education and world mindedness can produce only rather precarious results. As we have pointed out, it is frequently the family," the family, it says, "that infects the child with extreme nationalism. The schools should, therefore, use the means described earlier to combat family attitudes."

Now, that is coming from a publication put out by UNESCO and states one of their goals. And I might just remind my colleagues of who the founding director general was, and that happened to have been Sir Julian Huxley. Huxley helped to write some of the goals set in the UNESCO, and he happens to be a believer in eugenics, but let me just quote from him what he thought this organization should do.

He says, "The general philosophy of UNESCO should be a scientific world humanism." And those words have not been changed; they still exist in these documents. They have not repealed that concept.

He goes on to say, "In its education program, it can stress the ultimate need for world political unity and familiarize all people with the implications of the transfer of full sovereignty from separate nations to a world organization." They are rather explicit in what the goal of UNESCO is through the educational process.

"It is also to help the emergence of a single world culture, even though it is quite true that any radical eugenic policy could not be passed now," they say, "in time, the world will become ready for it."

So I warn my colleagues about rejoining UNESCO, believing very sincerely that it is not in our interest. It

costs us a lot of money. It does not represent the goals and the culture and the beliefs of Americans. We did get out because it represented us badly, and here we are about to get back into UNESCO. I urge support for my amendment.

□ 1545

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The bill includes \$71.4 million for the United States to join UNESCO. There was a vote, I believe, in the last Congress whereby this issue was voted on. I believe it was offered by the gentleman from Illinois (Mr. HYDE). This was an initiative that President Bush announced last year. The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and an anti-Western bias. The organization was mismanaged and was not working with regard to the national interest. Since that time, the Bush administration believes that the organization has undergone a number of reforms and the current leadership is committed to sustaining these gains and is committed to fundamental human rights and democratic principles. The Bush administration believes that participation in UNESCO will allow them to be engaged with the international partners on a host of critical issues.

Therefore, I would urge my colleagues to stand with the Bush administration on this initiative and reject the gentleman's amendment.

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

I rise in opposition to the amendment. I think it is one of those issues where, instead of removing ourselves from involvement, we should be doing just the opposite and, that is, involving ourselves even more. UNESCO aims to promote peace and security through facilitating collaboration among member states in the areas of education, science, and culture. The following is a list of UNESCO's areas of activity and an example of its work in each area:

In the area of education, for instance, UNESCO promotes literacy and in post-Taliban Afghanistan by providing schooling materials and assisting with the reconstruction of institutions. In communication and information, it promotes press freedom and independent media in Afghanistan and Bosnia-Herzegovina. In the area of culture, it has encouraged countries to sign the World Heritage Convention to protect sites of cultural significance within their borders. In natural sciences, it provides assessment of ocean conditions and resources for preservation. In social and human sciences, it promotes research and developing educational materials on HIV/AIDS. So many different organizations throughout the world, from the arts, to scholars, to religious organizations support our involvement in UNESCO again.

The President has made a crucial first step toward U.S. reentry to

UNESCO by including \$71 million for U.S. dues in his 2004 budget request. The State Department authorization bill currently authorizes this request and "such sums as may be necessary" to pay U.S. dues to UNESCO. Not only will this allow us this involvement but my understanding is that by doing it now, we get a seat on the board which then would allow us to move programs and behavior in UNESCO to our liking and to our needs. I rise in support of the gentleman from Virginia's comments of the President's request and desire to reenter UNESCO and in opposition to the amendment.

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

Mr. Chairman, I strongly oppose this attempt to overturn the President's decision to return the United States to membership in UNESCO. The gentleman from Texas offered a similar amendment during the markup of this year's State Department authorization bill in the Committee on International Relations. In an overwhelming bipartisan vote, his amendment was rejected. Last week the whole House voted resoundingly in favor of authorizing full funding to support U.S. entry when the State Department bill was passed. I strongly agree with President Bush that our reentry will support UNESCO's mission to advance human rights, tolerance, and learning.

Our national decision to rejoin UNESCO reflects our understanding in the Congress and in the administration that UNESCO has a critical role to advance U.S. foreign policy goals, such as facilitating the rewriting of educational materials to remove passages that incite racial hatred, violence, and intolerance. UNESCO will be a key to rebuilding Afghanistan's educational system, and it is critical for establishing educational programs on HIV/AIDS, malaria and other infectious diseases.

UNESCO has undertaken massive management reforms under the leadership of its Director General, Mr. Matsuura of Japan. The organization has achieved a huge cutback in its staffing, has held its budget to zero nominal growth for many years, and has eliminated what used to be a corrupt structure. It is critical that the United States, the one remaining superpower on this planet, resume its seat at the United Nations Educational, Scientific and Cultural Organization.

When UNESCO was founded, Mr. Chairman, at the end of the Second World War, its motto was, "It is in the minds of men that war begins and it is in the minds of men that the defenses of peace must first be constructed." This was never more true than it is today. After a 20-year absence, we have now gotten consensus in the House, in the Senate, and with this administration that the time is now the right time to rejoin UNESCO.

I strongly urge all of my colleagues to vote against the amendment and to

support the President's decision to return the United States to UNESCO. I earnestly hope that this issue can finally be put to rest.

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

The CHAIRMAN pro tempore (Mr. TERRY). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Chairman, let me mention once again that the amendment strikes all the funding for UNESCO. We have been out of UNESCO since 1984. President Reagan took us out of UNESCO, and that was a very popular move. The argument now is that UNESCO has made some reforms and therefore we should get back in. But their goals have not changed. I have already mentioned some of the goals of UNESCO, and they are not beneficial to us and they do not represent American ideals; it is an attack on American sovereignty. But during these 18 years since we have been out of UNESCO, it has only been the last year or two where they have talked about reforms. So over all these years, nothing has been done.

But more importantly, it is the goals of UNESCO. For instance, UNESCO's position on international taxation is that they would like to impose an international tax. If that is what the people want, if that is what the Congress wants, then you vote against my amendment. But if you think it is a bad idea for the U.N. and UNESCO to be leveling a worldwide tax, then you vote for my amendment.

I do not think the American people want that. I think the American people do not want to sacrifice their sovereignty and they would like not to have the United Nations and UNESCO interfering in our curricula. We have enough problems ourselves here to allow our States and our local communities to manage their schools with the interference of the Federal Government. And now here we are talking about an international organization designing a curriculum for our schools. Their goals are not American. Their goals are internationalist. I quoted just a little while ago from one of their pamphlets that says they do not even believe in nationalism, that it was a bad thing, that it was a result of families teaching children bad things, to believe in nationalism.

I do not believe that. I have not come around to that belief. Being a member in a world community does not mean that you have to sacrifice your sovereignty. Being a member of a world community means that we should get along with people, that we should not be fighting with people, we should be trading with people; but that does not imply the necessity of having an international government. This is what is implied here. In this day and age we go to war under U.N. resolutions; but here our children are going to war with the education system by the United Nations dictating to us educational standards.

But they do other things as well. UNESCO, for instance, has been fully supportive of the United Nations Population Fund in its assistance to China's brutal, coercive population control program. That is part of UNESCO. I do not believe the majority of the Members of Congress really believe that is a good expenditure. And you cannot control the money once it gets to UNESCO, believe me. We send the money, we send a larger amount of money than anybody else, we lose control of it and they do these things that I think are illegitimate as far as our Constitution is concerned.

UNESCO has designated already 47 U.N. biosphere reserves in the United States covering more than 70 million acres without congressional consultation. This project has led to the confiscation of private lands and restrictions. Because we do go along with the restrictions, it is somewhat like following WTO mandates. They come back with regulations and mandates, and we accommodate them by rewriting our tax laws. In the same way, they are moving in, with radical environmentalism that originates from UNESCO and it filters into our grade schools as well as our kindergartens. UNESCO effectively bypasses congressional authority to manage Federal lands, including places like the Everglades, and it is done without congressional approval.

UNESCO's World Heritage Convention has taken treasured American public monuments to be designated world heritage sites. This is a movement away from the concept of national sovereignty. This means that there will not be control by the American people through their Representative. That makes every single one of us less significant, not only in the issue of war but now in the issue of schools and taxation. Yes, it moves slowly, it is not overwhelming; we still have a lot of control, but we are losing it gradually. And we do know that even those who objected to the war in Iraq would have been quite happy if only the United Nations would have passed a resolution that permitted us to go to war. I do not like that kind of a world. The only oath of office I take is the oath to the U.S. Constitution and UNESCO does not conform to that oath.

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

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. HOSTETTLER
Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:
Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in *Newdow v. U.S. Congress* 292 F.3d 597 (9th Cir. 2002).

Mr. HOSTETTLER. Mr. Chairman, on June 26, 2002, in *Newdow v. U.S. Congress*, a three-member panel of the Ninth U.S. Circuit Court of Appeals ruled that a California school district's policy and practice of voluntary recitation of the Pledge of Allegiance was unconstitutional claiming that the use of the phrase "one nation, under God" violates the establishment clause of the first amendment to the Constitution. In February of this year, the Ninth Circuit, the full Ninth Circuit effectively upheld the decision of the three-judge panel.

Mr. Chairman, the founders of the United States set up a brilliant system of government consisting of three separate branches with unambiguous roles. The Congress legislates, the President executes, and the courts judge. However, as in any organization of institutions with potentially competing interests, one institution would be constructed to be the weakest. Alexander Hamilton made it very clear that the framers had relegated the judiciary to this distinction when he said in *Federalist No. 78*: "It proves incontestably that the judiciary is, beyond comparison, the weakest of the three departments of power and it proves that as from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed or influenced by its coordinate branches."

Hamilton laid out how practically this so-called feebleness manifests itself under what he referred to as the "plan of the convention," or what we call today the Constitution of the United States of America, when he said once again in *Federalist No. 78*: "The judiciary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society and can take no active resolution whatever."

□ 1600

"It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm for the efficacy of its judgments."

As Hamilton pointed out, the legislative branch controls the purse strings of this government, and the plan of the Convention set that out in article 1, section 9, when the Constitution states: "No money shall be drawn from the Treasury but in consequence of appropriations made by law," which is the case for our being here today, Mr. Chairman.

When the legislative branch, that is, the Congress, believes the judicial branch to be in error, the Congress may refuse to fund actions to enforce

the court's judgment by the executive branch agency that would execute those judgments or, in Hamilton's words, "depend on the arm of the executive for the efficacy of its judgments."

Specifically, the U.S. Marshals Service, an agency of the Department of Justice, executes and enforces all lawful writs, processes, and orders of the U.S. district courts, the U.S. courts of appeal, and the Court of International Trade, according to 28 U.S.C. 566(C), and I highlight that it enforces all lawful writs, orders, and processes.

I, Mr. Chairman, along with many of my fellow Members of Congress, believe the judgment in *Newdow v. U.S. Congress* to be in error. This was evidenced by the overwhelming support of H. Res. 132 on March 12, 2003. This resolution expressed the sense of the House of Representatives that the *Newdow* ruling is inconsistent with the first amendment and should be overturned. That is why, Mr. Chairman, I am offering this amendment to the FY 2004 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Mr. Chairman, I ask that my colleagues would say "no" to the decision of the Ninth Circuit Court of Appeals and support my amendment to stop the enforcement of that ludicrous decision.

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

We have a position from the Justice Department, and I will read a portion for Members. It says that "The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional." And I, as I am sure most Members of this body are, am opposed to what the Court ruled and agree with what the Justice Department is saying here.

Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other views. Schools across America and hundreds of thousands of school children have relied on the Supreme Court's repeated assurance as they have started their day with the Pledge.

And they go on to say, and I agree, "Our religious heritage has been recognized and celebrated for hundreds of years in a National Motto, 'In God we trust,' the National Anthem, the Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character."

"The Justice Department," they go on to say, "will vigorously defend our Nation's heritage and our children's ability to recite the Pledge." And I believe that Attorney General Ashcroft will do that.

The concern of the amendment is, and I will submit the full statement of

the Justice Department in the RECORD, they end by saying this: "Consideration of this legislation at this point would probably be premature. Congress," they say, "should consider whether the Supreme Court should be given the opportunity to review the Ninth Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is real harm to the Ninth Circuit's ruling." And this is the case. "So if the Ninth Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance."

"Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal Government's ability to spend funds in a manner consistent with the Supreme Court ruling."

I do not agree with the Court's ruling, and I understand, and I was with my colleague here, but I certainly do not want to do anything in this bill that does, as Justice Department said, if it is gutted legislatively, the Justice Department might find it harder to make that claim and could diminish the strength of the hands of the opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance.

I think to do this on a legislative appropriations bill, we really have to go with the Justice Department, and I am going to rely on Attorney General Ashcroft to fight the Ninth Circuit's case and not do something that might, even though the meaning is good, work against the other way and result in something taking place that I certainly do not want to take place, the gentleman from Indiana (Mr. HOSTETTLER) and frankly, I do not think this House wants to take place; and I oppose the amendment.

The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other view. Schools across America, and hundreds of thousands of school children, have relied on the Supreme Court's repeated assurances as they have started their day with the Pledge.

Our religious heritage has been recognized and celebrated for hundreds of years in the National Motto ("In God we trust"), National Anthem, Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character. The Justice Department will vigorously defend our Nation's heritage and our children's ability to recite the Pledge.

The Newdow case was about whether the inclusion of the phrase "under God" in the Pledge of Allegiance violates the Establishment Clause of the First Amendment. Newdow sued both the United States and the Elk Grove School District to have the Pledge declared unconstitutional. The Ninth Circuit held that the Pledge is unconstitutional when its voluntary recitation is led by teachers in public elementary schools.

On April 30, 2003, the Justice Department joined the Elk Grove School District and asked the Supreme Court to overrule the 9th Circuit (Newdow has also sought to overrule the 9th Circuit for an even broader invalidation of the Pledge). The latest filing by the Justice Department was on July 14, 2003. Some time in October, we will know whether the Supreme Court has decided whether or not to take the case.

Consideration of this legislation at this point would probably be premature. Congress should consider whether the Supreme Court should be given the opportunity to review the 9th Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is a real harm to the 9th Circuit's ruling. So, if the 9th Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal government's role in defending the Pledge of Allegiance.

Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal government's ability to spend funds in a manner consistent with the Supreme Court ruling.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

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

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

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HINCHEY: At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and non-commercial TV stations would remain post-merger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

Mr. HINCHEY. Mr. Chairman, this government, our government, derives its just power from the consent of the governed. Those words form the basic founding principle of this Nation: The government derives its just powers from the consent of the governed.

But in order for the governed to give their consent, they must be informed. It must be not an ignorant consent. It must be a consent based on knowledge and accurate information and a multiplicity of voices and the opportunity for everyone to be heard. The marketplace of ideas in this country shall not be shut down. Otherwise, we lose the basic founding principle of our country.

But, unfortunately, the Federal Communications Commission in its decision on June 2 has gone a long way to doing precisely that, shutting down the marketplace of ideas. What they did was to weaken the rules governing cross-ownership of the media, newspapers, television, radio. What the FCC has done very quietly without any public hearings outside of Washington except for one, which they held in Richmond, Virginia, they have passed a rule which will shut down the ability for people to understand what is going on in this country.

We need to restore the previous rules, and we have an opportunity in this bill, through this amendment, to do precisely that in the next fiscal year. Restoring the previous rules is essential to preserving localism, diversity, and competition in our airwaves, standards that are needed for a vibrant democratic republic.

The FCC's decision, if we allow it to go forward, will permit one company to own the local newspaper, local television station, including the most popular, and several of the top local radio stations in any single market. It paves the way for one company to dominate a local community's flow of information.

The rule change makes it much more likely that a company based hundreds or even thousands of miles away will control a community's information and whatever information gets into that community.

Only large companies have the resources to purchase and operate a newspaper, TV stations, and radio stations. Competition, diversity of voices, and local control are at stake if this rule is allowed to stand.

The FCC's decision will allow broadcast television to be highly concentrated in the vast majority of markets as defined by the Merger Guidelines of the U.S. Department of Justice and the Federal Trade Commission.

Before the FCC changed the rules, one company could own two TV stations, or duopolies, in a single market as long as at least eight independent voices remained. This restricted duopolies to sizable markets. If the new rules are allowed, 95 percent of Americans could see duopolies in their media markets. These changes will greatly reduce the number of independent and local voices, and in many instances they will completely eliminate those independent voices. Democracy requires the widest possible dissemination of information, yet these new rules will restrict access to diverse voices.

This amendment that is offered by myself, the gentleman from North Carolina (Mr. PRICE) and the gentleman from Washington (Mr. INSLEE) would prevent the FCC from implementing its misguided decision and would leave in place the media ownership rules that have protected localism, diversity, and competition in our media, as well as preserving the basic principles of this democratic republic. We have an opportunity here to correct a mistake, a huge bureaucratic error, that works against the best interests of the vast majority of the people in this country.

I offer this amendment, and I ask for the Members' support.

Ms. WATSON. Mr. Chairman, I rise in strong support of the Hinchey-Price amendment to the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act.

This amendment will deny funding to the FCC for the purposes of implementing its new cross-ownership and

local TV ownership rules. I believe this amendment is just the first in a series of extremely important steps to ensure that diversity in the media, both nationally and locally, will not diminish further.

The FCC's newspaper-broadcasting cross-ownership rule and the local TV ownership rule will exacerbate the current minority ownership crisis. According to the newspaper-broadcasting cross-ownership rule, one company will be permitted to own a local newspaper and local TV and radio stations in one single market.

If this rule is allowed to stand, it is possible that all local print and broadcast news could be controlled by a single company. The new local TV ownership rule will allow one company to own two TV stations in the same market as long as there are three other independent voices within that same market. The new rule will make creating a duopoly easier for a large corporation, while greatly limiting the number of independent voices on TV, including those of minorities.

Minority owners' share of the commercial television and radio market is already at a historical low. At the end of the 1990s, minorities owned only 1.9 percent of the country's licensed television stations. In the year 2000, minorities owned only 4 percent of the Nation's commercial AM and FM radio stations. Many of these minority owners are single-station operators.

I believe their voices, as well as the voices of other independent operators, will be silenced as large corporations are granted virtually unimpeded access to media markets under the new FCC rules.

The American public supports a diverse and competitive media. Over 2 million Americans have contacted the FCC to voice their disapproval of the June 2 decision to ease the limits on media ownership. The newspaper-broadcasting cross-ownership rule and local TV rule will further stifle minority voices in the media.

Congress must respond and protect the public's access to diverse sources of information.

□ 1615

Please support the Hinchey-Price amendment to the CJS appropriations bill to protect diversity in the media and to allow dissenting voices, minority voices, small voices to be heard. The public owns the airways.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to explain to the House what is at stake this afternoon. The Federal Communications Commission has recommended a number of changes in ownership patterns for media across the country. One of the changes was to raise from 35 percent to 45 percent the percentage of the national TV audience that could be reached by any one media conglomerate. Another part of the FCC ruling would have expanded opportunities for

cross-ownership of media outlets all around the country, so that newspapers could own even more television stations than is the case today.

I oppose everything the FCC did, but the problem is that you have to make an intelligent judgment about how much you can bite off and win. The fact is that the Committee on Appropriations adopted my amendment in committee by a 40 to 25 bipartisan vote, and that amendment essentially rolled back the Federal Communication Commission's decision with respect to the national cap on ownership.

It did not go the next step, and I hope we do not try to go the next step today in the form of the Hinchey amendment. I favor the substance of it very much, I am totally opposed to cross-ownership. I do not think a newspaper ought to be able to own a single TV station in the country, and vice versa. I believe in the widest possible diversity of opinion.

But the fact is that today, even in the committee approach, we are taking on the media giants of this country; and when you do that, you had doggone well better win, and we will not win if the Hinchey amendment is passed. The Hinchey amendment is not intended to be so, but it is a killer amendment. It will load up the camel, and it will break the camel's back.

What I think we ought to do is stick to the judgment the committee made and win that one and tie that one down first. We are in a terrible situation today, where five media conglomerates control a 70 percent share of homes that watch during prime time; 80 percent of the major cable owners are owned by the same media conglomerates; and we need to see to it that we do not allow that situation to get any worse.

The problem with this amendment is that if it passes, we will not be able to get enough votes on this bill to demonstrate to the White House that they should not veto the bill because of this provision; and I do not think the House wants to do that if it is interested in protecting local news values.

The reason I want to protect local news values is because I think that local owners are the only ones who are likely on occasion to preempt national network programming. And believe you me, if you want to see some examples of the kind of programming that I do not think we want in some of our communities, all you have to do is take a look at what happened in radio. In radio, the Congress totally deregulated a few years ago, and what do we have? We have total lack of the ability of local people to have control over news or to have any real say in their programming. No nationally owned television station has ever preempted a network TV program; only locally owned stations have sometimes done so.

I do not have anything against networks but I think we need diversity. I think we need diversity of decision

making, and that is why I sponsored the amendment that the committee adopted, with the support of the gentleman from Virginia and others.

If we adopt the Hinchey amendment, we will in essence ruin our ability to win what we have won so far, and I do not think that is a wise thing to do. I am not interested in symbolic statements here today. I want to win. I want to see to it that we roll back the FCC provision on national ownership. If the Hinchey amendment is adopted, we will not be in a position to do it, because this bill will get many fewer votes than it otherwise would have gotten, it will send the wrong message to the White House, and the net result will be that we will be crippled in conference in terms of trying to hold the provision in the committee bill. So I urge defeat of the Hinchey amendment.

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

Mr. Chairman, I completely agree with the gentleman from Wisconsin (Mr. OBEY), completely; and I would ask Members to vote against the Hinchey amendment. The Hinchey amendment would weaken the bill and we would end up with exactly what the gentleman from Wisconsin (Mr. OBEY) said.

This is an issue of values. This is an issue of values that Members on both sides of the aisle have to deal with. I know that there have been powerful lobbyists and interests that have been hired in this town to work against what the gentleman from Wisconsin (Mr. OBEY) is doing, and in essence they would come down here and ask you to probably support the Hinchey amendment. But it is an issue of values.

Many times there is such garbage on these TV shows that a locality cannot preempt them, "The Millionaire," "The Bachelor," "The Bachelorette." They do not cover the issues with regard to the famine in Africa or issues like that. The gentleman from Wisconsin (Mr. OBEY) is right.

I would ask Members on my side of the aisle, this is an issue of values. If you look at those concerned with the expansion in allowing one network, one network that may not very well repeat and have our values, be able to do this, what the gentleman from Wisconsin (Mr. OBEY) said is exactly right. So I just second it. He said it better than anyone could.

I urge Members to defeat the Hinchey amendment, because it would do exactly what the gentleman from Wisconsin (Mr. OBEY) said.

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

Mr. Chairman, I rise as a cosponsor of the Hinchey amendment. The FCC's decision of June 2 to loosen the rules on concentrated media ownership will lead to fewer voices controlling more of the news we watch, read, and listen to. It will undermine our access to the independent, unbiased local information that matters to our communities.

Last week, as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. WOLF) have stressed, the Committee on Appropriations took an important step in voting on a bipartisan basis to suspend changes to the national TV ownership cap, a key part of the media ownership rules the FCC voted to relax on June 2.

The Hinchey-Price-Inslee amendment would finish the job by suspending the two remaining rules that the FCC weakened: the newspaper-broadcast cross-ownership rule and the local TV multiple ownership rule, which would open the way for more duopolies and even triopolies in owning and controlling local media.

These amendments, together, are the appropriations equivalent of H.R. 2462, introduced by the gentleman from Vermont (Mr. SANDERS) and cosponsored by a bipartisan group of 88 Members.

Restoring the previous rules is essential to preserving localism, diversity, and competition on our airwaves, standards basic to a vibrant democracy.

Mr. Chairman, the richness and diversity of community life in America has been recognized by observers since Tocqueville as one of our country's abiding strengths. The broadcast media emerged in the 20th century as critical in relating individuals and groups of individuals to each other and to the world beyond.

The term "media" suggests a linkage beyond the locality to the worlds of politics and economics and entertainment and culture; but it also suggests communication within and across a locality or a region, whereby isolated consumers of media have their identities as members of the community strengthened, their knowledge increased, their participation enhanced.

If the day comes, and I am afraid it is fast approaching, when local media are merely a conduit for nationally generated information and entertainment, or when a single or few companies monopolize broadcasting in most local communities, we will have lost a critically important component of community life.

There are those who say that the presence of 200 options on cable or satellite television renders the public interest criterion of diversity a moot concern. They could not be more wrong. It is competition among local broadcasters in offering news and public affairs, weather, sports and other programming that produces the kind of diversity and the kind of audience engagement that enhance community life.

The Hinchey-Price amendment also concerns concentrated power and influence. This concentration has already gone too far in radio. I cannot imagine why we would want to take television down the same path.

Regardless of one's political views, it is unsettling to hear of Cumulus Media banning a vocal group from the play

list of all of its outlets on political grounds.

Then there is the example of a prominent Raleigh media executive who owns a Fox affiliate. He has been able to reject some network "reality" shows as inappropriate. He wonders with good reason whether the managers of Fox-owned and -operated stations would have that same discretion to respect community standards.

Mr. Chairman, in the history of media policy, there has never been a moment when the public was more engaged than they are right now. A recent poll demonstrates that half of Americans are well aware of this media concentration issue; and of those who follow the issue closely, 70 percent are opposed to the new FCC rules, while only 6 percent are in favor.

Our constituents see this issue quite clearly: this is big media companies and their allies in government squaring off against the public interest. The question is, how do we see it, and to whom will Congress listen?

Mr. Chairman, it is time to stand against an FCC decision that was taken with scant public input and in defiance of the public interest.

Colleagues, let us not get diverted by convoluted, tactical second-guessing. If Members favor the substance of our amendment and if they oppose the substance of the FCC decision, they should stand up for what they believe.

I ask my colleagues to reaffirm the core values of our country's media policy—localism, competition and diversity—and to support the Hinchey-Price amendment.

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

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

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the backward thinking amendment that would reinstate antiquated local media ownership limitations. Republicans have long been awaiting a time to deregulate, since 1984, in fact; and the commission action on June 2 modifies all of its media ownership rules to comply with the Telecommunications Act of 1996, an act we all agreed upon, and the Court's interpretation of that act.

The FCC proceeding represents, in fact, the culmination of a deregulatory effort that had its birth in the Reagan administration. This amendment would stop in its tracks the reasonable deregulation of the new rules. It would bring back the outdated rules of the past.

In fact, under one interpretation of the Hinchey amendment, it would roll back existing exemptions that have been granted by the FCC over many years. Under one interpretation, for example, the exception that has been granted for satellite stations, where a station can own in joint ownership an

unmanned TV station that is a satellite in a rural area, that exception would be rolled back and TV stations serving rural communities in America would have to shut down.

Under some interpretations of this amendment, assignments that have been made that were grandfathered for many years would be rolled back and companies would have to divest ownership they currently have in stations. In fact, under this amendment, the provisions of the FCC for so-called short-form assignments, what happens when companies reorganize themselves, would considerably be rolled back; and as a result, there could be divestitures argued under this amendment.

So this backwards-thinking amendment has the potential of even going back and undoing exemptions that have been granted by Democratic FCCs over the years to accommodate such things as the public interest requirements when a station goes bankrupt, becomes defunct, and has to be picked up by some other station.

Let me right the misconception that has been before this body and, unfortunately, pervaded the hearings at the Subcommittee on Appropriations. There are 1,340 television stations in America. Guess how many Viacom owns? The answer is 39; 2.9 percent. Guess how many Fox owns? The answer is 37, or 2.8 percent. Guess how many NBC owns? Twenty-nine, 2.2 percent. ABC owns 10, eight-tenths of one percent. In fact, if you combine all the network ownership of television stations, it comes to about 115, which is less than 10 percent of all the stations operating in America. You would think that the networks own them all, 90 percent of them, to hear the rhetoric around this debate.

The new rules that have been adopted by the FCC replace the old newspaper-broadcast-radio-TV cross-ownership rules, with the new set of rules that allow for different and targeted regulatory treatment, depending upon the market size.

□ 1630

It is a size system of regulation, replacing the old autocratic and, in many cases, arbitrary rules.

The new rules would allow economies of scale to be achieved on the local level, while ensuring a diversity of voices would be preserved by permitting, for the first time, common ownership of multiple stations in the largest markets or expanding the markets where duopolies are, in fact, permitted. But importantly, while it allows them to do this in the larger markets, it does not allow that to occur in the smaller markets. In fact, 73 markets enjoy no duopoly deregulatory relief whatsoever because they are the smaller markets in America. The FCC's extension record shows that co-owned stations competed more effectively with cable and satellite, improved the quality of the second station, and transitioned to digital quicker. All things said, the benefits flow to the public.

Remember, television stations do not compete against one another alone. They compete against pay-per-view cable and pay-per-view satellite; and if we weaken the capacity of over-the-air broadcast television to reach Americans economically and efficiently, we kill off one of the most important video outlets in America; and, therefore, we hurt, not help, over-the-air broadcasting.

Moreover, the amendment would prevent new markets from enjoying the clear localism and diversity public interest benefits. The commission found that their new rules will promote localism, because they increase the capacity of these stations to survive against these other important competitors.

The administration supports the FCC, and has urged Members to oppose efforts to roll back these rules that ensure that our Nation's free, over-the-air broadcasters can effectively compete against all of these new pay services. If all we want is pay services, the Hinchey amendment will take us there.

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

Mr. Chairman, I rise today to urge my colleagues to protect the voices of the American people, to make sure that their voices, their opinions, and their concerns are represented on the Nation's airwaves by supporting the Hinchey-Price amendment, and add this amendment to the good amendment that the committee passed earlier.

How ironic that the United States went to war against a foreign regime whose oppression was based largely on control of information. And now, the FCC majority establishes a Saddam-style information system here in the United States. Have we learned nothing?

On June 2, the Federal Communications Commission approved a new set of media ownership rules that allow large conglomerates to devour more independent media outlets and impose the laws of the jungle on the marketplace of ideas. I support the Hinchey-Price amendment because it would essentially suspend the FCC's decision to weaken media ownership rules dealing with the cross-ownership and local TV ownership.

The Hinchey-Price amendment would preserve localism. It would preserve diversity and competition over our airwaves.

Information is not just any commodity like steel and textiles, Mr. Chairman. A vibrant democracy depends on rich intellectual exchange on the free flow of ideas from a variety of sources. This is a principle. It is a principle embedded in the first amendment on free press and reaffirmed by the Supreme Court.

But media consolidation stifles dissent and drowns out alternative voices, giving Americans a stale, uniform product that barely accounts for individual community values. The recent

FCC rules will enrich moguls, discourage entrepreneurship, and diminish quality. Niche content like children's programming will suffer. Minority populations will go underserved. Music and entertainment would become homogenized, with large media interests also acting as the ideological sensors. If you do not believe me, ask the Dixie Chicks.

The rules will further sever the critical bond between media outlets and their local consumers, as more journalists would answer to corporate bosses making news judgments from thousands of miles away.

If the day comes, and it had better not, that one corporation owns several radio and TV stations, the cable network, and the single newspaper in one town, we may not only have lost the freedom to speak, but the opportunity to be heard.

The airwaves belong not to the Rupert Murdochs of the world, but to the American people.

Mr. Chairman, I urge my colleagues to protect the voices of the American people by supporting the Hinchey-Price amendment.

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

I too rise in strong opposition to the Hinchey amendment. I ask my colleagues about where they might have been in 1975. I know I had graduated from the University of Michigan and was on my way to Washington to work for a Congressman, David Stockman. Think about where you were, maybe sitting in your living room back in 1975. You might have been watching the "Mod Squad" for the first time or maybe the third season of "M.A.S.H." In fact, someone told me that Strom Thurmond was only in his first or second term.

The original newspaper-broadcast ownership rules were adopted in 1975, at the same time when there was little cable penetration, if any, no local cable news channels, few broadcast stations, and no Internet. The rule was based on market structure that bears almost no resemblance to the current environment.

Without a doubt, there have been dramatic changes in the media marketplace since 1975 when the rule was adopted by the commission. When the rule was first adopted, there were 7,785 radio stations. There were 952 TV stations, three broadcast networks, cable television systems served 13 percent of television households, and direct broadcast satellite, DBS, providers were nonexistent, and the Internet was commercially not available.

Today, there are more radio stations, 12,900; 1,600 full-powered TV stations; 2300 low-powered TV stations; 230 Class A TV stations; four major broadcast networks, along with other emerging broadcast networks; and today, cable TV systems serve almost 80 percent of the television households across the country.

As required by law, the FCC factored the status of the current marketplace

into the new rules. In addition to noting the dramatic transformation of the marketplace, it also noted that this type of business combination does advance the goals of localism and diversity.

A key study relied upon by the FCC for these rules found that broadcasters co-owned by newspaper companies provided more than 50 percent more local news and public affairs broadcasting of better quality than nonbroadcast network-owned stations, unaffiliated with a newspaper publisher.

I think about my own hometown. As I walk up to the post office in St. Joe, Michigan, there are almost a dozen different newspaper stands, whether it be the Wall Street Journal, the Detroit News, the Detroit Free Press, the local Herald Palladium, the South Bend Tribune, USA Today, and more. WGN owns the Chicago Tribune and Channel 9, which is broadcast over the air. The South Bend Tribune owns the local CBS affiliate in South Bend, Channel 22. The case has not been made that the local ownership has hurt the delivery of fair reporting by those news organizations.

The Hinchey amendment would take us back to 1975 when the media marketplace was a much different place. It is working today. I urge my colleagues to defeat the Hinchey amendment.

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

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

Mr. DINGELL. Mr. Chairman, I begin by expressing my great affection and respect for the authors of this amendment. They are fine men. On substance, they are right. I agree with them on what it is they had to say.

But they ignore one basic fact; and I want to speak to my colleagues on this side of the aisle particularly, and that is that the perfect good is the enemy of the good.

If we want to get some relief and we want to see to it that we do something to protect diversity of broadcasting, support the committee bill as it now is; and I will tell my colleagues why.

Very shortly, my good friend, the gentleman from North Carolina (Mr. BURR), and I will be making a major effort to bring to the floor of the House a piece of legislation which will address much more than the 35 percent, 45 percent limit. If my colleagues want to effectively address that matter, then I urge them to vote against the Hinchey amendment, not because it is bad, but because it is counterproductive in terms of achieving the purpose that it seeks to produce, and the result will be that we will lose the effect of the Obey amendment in delaying the going into place of the provisions of the order of the FCC with regard to television.

I have a long history, I would tell my colleagues, of having opposed the attempts of the FCC to constantly expand the ownership and the control by

certain broadcasters of the media, the spectrum, and the minds of the public. This is bad. It is dangerous. But I would also tell my colleagues that if we want to do it, then we must do this thing right. The Obey amendment enables us to begin to put a hold on the unwise actions of the FCC and to move us forward towards accomplishing the purpose which we really have of seeing to it that the interests of all of the people in the great national resource, the spectrum, is protected for the benefit of all.

The amendment offered by my good friend, the gentleman from New York, will have the practical effect of driving away most of the supporters of this legislation, particularly those who are active in the industry. There are better than 600 local broadcasting stations which support this, including Cox, Hearst Argyle, and Post-Newsweek, because they recognize that this amendment is in the interests of diversity in the use of the spectrum. It is supported by Consumers Union, Common Cause, the Christian Coalition, the American Family Association, Morality in Media, the National Education Association, the National PTA, the National Association of Black-Owned Broadcasters, and Children Now.

I would remind my colleagues who are in such haste to address this to work with those of us who have dealt with these questions over the years; and I would remind them of the wonderful story that is told of the two bulls, the young bull and the old bull. The young bull said, there is a bunch of cows down at the bottom of the pasture; let us run down and get one. The old bull said, son, let us walk down and get them all.

My advice is, follow the distinguished gentleman from Wisconsin. Let us proceed in an orderly fashion. We have better than 170 sponsors on legislation that will really do the job. I urge my colleagues to support us so that we can address this matter in that way. That is the way that the matter should be dealt with. Let us get them all. Let us not lose because we have blown an opportunity because we overreached, we reached beyond our grasp, and we defeated ourselves by the enthusiastic desire to do good in a way which was counterproductive.

I say with regret and with respect and affection for my friend from New York, defeat the amendment. Let us go forward to a better conclusion to the problem by the device of passing real legislation later on. The best that the House can do today is simply to hold up through a 1-year limitation on expenditure in this legislation. My prayer to my colleagues is let us leave ourselves in a situation where we have a chance of winning and getting this through not only conference with the Senate, through the House, but also to address the practical problem of seeing to it that we get the bill signed into law.

Mr. Chairman, I urge the defeat of the Hinchey amendment.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The FCC issued its revised rules on media ownership, ending one of the most comprehensive and empirical reviews undertaken at the FCC, or by any other Federal agency, for that matter. Over a half a million public comments were received and numerous public hearings were conducted during this 20-month review. The Hinchey amendment will change all of that, all of that comprehensive work that the FCC did. As a result, we now have media ownership rules that reflect today's market: they balance competition and diversity with local community needs.

Mr. Chairman, there are two myths that I would like to dispel.

□ 1645

The first myth is newspaper-broadcast cross-ownership adversely impacts competition in the local markets. There are 40-plus grandfathered combinations, and they provide the best evidence that competition, the concern that some of my colleagues have, bears no fruit.

Mr. Chairman, in the past 20 years there have been no formal complaints filed against any of the 40-plus grandfathered combinations at the FCC, nor have there been any antitrust actions initiated by the Department of Justice, the Federal Trade Commission or any States Attorneys General during that time. So there has been no concern of these 40 grandfathered combinations.

The second myth is, the public did not have an opportunity to participate in the FCC decision-making process. At least with respect to the newspaper-broadcast cross-ownership ban, the public has had the opportunity to participate in four, not one, two, or three, but four separate FCC proceedings over a 6-year period. And furthermore, the Commission never published its rules in advance of their adoption; and, if so, it saw no reason to deviate from this practice in the media ownership proceedings.

Lastly, the FCC did not just remove the rules and move along, but they put in place cross-media limits that are designed particularly to protect viewpoints, diversity, by ensuring that no company, no group can control an inordinate share of media outlets in a local market.

So they have already put in place the cross-media limits. They provided due diligence. The FCC has done this. They put in cross-media limits, and I have given the two myths so that the people who are for the Hinchey amendment, to show that they are, indeed, myths.

So I urge my colleagues to defeat the Hinchey amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I must say that the gentleman presented the 5-minute or so speech I was planning to make. I want to associate myself with the gentleman's remarks.

I think with great foresight the gentleman has recognized that we have done a good deal of the job that had to be done a long time ago. There is no reason to move away from where we are today, indeed, in connection with this competition is having its effect and cross-ownership is highly overblown.

Mr. Chairman, there may very well have been a time when people were justified in their concern that ABC, NBC and CBS dominated the media world and controlled what we watched.

But it is clear that competition has changed that world in many and varied ways. Today we have cable and many other offerings that give us more choice than we have ever had.

Those who want to overrule the FCC rules entirely are concerned with what they consider to be inappropriate programming. But it is not just ABC, NBC and CBS that provide these programs. Today many broadcasters and cable programmers provide endless avenues of entertainment that our diverse American public can enjoy.

We cannot dictate the tastes of the American public. And we have learned that when we try to control the marketplace by federal dictate, we most likely end up having our quest for perfection become the enemy of the good. This amendment would not solve problems, it would create them, and should be opposed.

Mr. STEARNS. Mr. Chairman, I appreciate the approval of the senior distinguished member on the Committee on Appropriations.

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

Mr. Chairman, I rise in opposition to the amendment that has been proposed here by the gentleman from New York. I do so because I think it would take us back to a regulation that makes little sense in today's media world. And further, could deny many communities better news and better information programming.

Under this amendment, in a market that has several newspapers and perhaps seven or eight local television stations, only the smallest of those newspapers would be prohibited from combination with the weakest of those seven or eight television stations.

Since January of 2000, in more than 40 markets around the Nation, television stations have either reduced or eliminated news and information programming. Had it been possible for them to combine with a local newspaper, perhaps, just perhaps, those unfortunate consequences could have been avoided.

There are benefits to be obtained by permitting cross-ownerships. And the example that I just noted, a common ownership of two struggling properties could strengthen both properties keeping additional voices alive in that particular market. An undeniable synergy

arises when television and newspaper, news gathering and reporting resources are focused on a single event with an improvement in the quality and depth of both the newspaper news product and the television new product.

Studies by the Federal Communications Commission have found that where cross-ownership has been permitted to continue under a grandfather provision, local television news is better, and more of it is provided by the cross-owned properties than by other local television stations in the same markets; and that is ample proof of the value of the synergies that are created when cross-owned properties have been permitted.

The Federal Communications Commission, in my view, got the balance right when it published its regulation on the cross-ownership rule in June.

Under the FCC's new rule, combinations are only allowed between a newspaper and a television station in the same local market when at the end of that combination there will be a sufficient diversity of voices remaining in that community to assure that many different and divergent views will be expressed with regard to local news. That is the right balance. Taking us back to a regulation that prohibits all combinations under all circumstances I think is counter-productive.

And so today I would urge that we confirm the recent judgment of the Federal Communications Commission and, in so doing, that we defeat this amendment.

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

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

Mr. BURR. Mr. Chairman, I rise in opposition to the amendment. Clearly this is an issue that probably deserves more debate than it will receive here. But I have also, like the gentleman from Virginia (Mr. BOUCHER), my good friend from the committee, want to go back to the past, 1995, when for the first time since 1935, we thought it was time to update our telecommunications laws in this country. Hard to believe that we could go for so long believing that technology or society did not force us to review it, but we learned then just how politically difficult change was.

We made some bold changes, and because of that many of us receive the benefits of it today. We now have almost unlimited channels on cable. It is new competition. We have an array of new products through telecommunications that are the direct result of 1995 and congressional action.

One additional piece of the 1996 Telecommunications Act, though, was that we mandated that the FCC every 2 years would look at it. We never wanted to play this catch-up game again.

Now, let me make this clear for my colleagues: In the current appropriations bill we have already rolled back from 45 to 35 the ownership cap. So the

Hinchey amendment is not about 45 to 35. It is about everything else that was in the FCC rule. When we talk about cross-ownership, you need not look very far; as the gentleman from Florida (Mr. STEARNS) said, there are 40 news companies that were grandfathered or received waivers that they concurrently have cross-ownership.

In Tampa, Florida, you can find an outlet where Media General owns a TV station and a newspaper. It is a model of what every other person who potentially gets into dual ownership should look like. It brings value to the community, and they have lived up to the waiver that they were granted. There are benefits to the FCC rule.

I believe that it was important, it was essential that we roll back from 45 to 35 the network ownership cap, if for no other reason than there was not a compelling reason on their part why it should be raised. But I felt strongly in 1995, when the gentleman from Massachusetts (Mr. MARKEY) and I came to this floor and, in partnership, we rolled it then from 50 percent out of committee back to 35 percent after the committee decided to raise it in 1996 Telecom Act from 25 to 35.

And it has worked pretty good. And the balance is correct. And we have got the right checks and balances between independent stations.

We spend a lot of time on the definition of localism. I have heard a lot of people mention localism today. I am not sure they had the in-depth debate that we did about what does it mean, really, localism.

Well, the independent stations have the ability, and we made sure in that act to look at the networks and say, I am not going to air that because there is no value to the community that I serve. If we tip the balance a little bit, will we dilute it enough that they will not have guts enough to do it? I believe so. But to get there, you cannot do it if you pass the Hinchey amendment.

I plead with my colleagues, if we want to roll back from 45 to 35, vote against the Hinchey amendment. The FCC does great work. It does not mean that we will always agree with everything they do. But understand that they have to do it because this Congress told them to do it every 2 years. They are obligated to review so that we do not wait 50 years again before we update our laws in this country as it relates to everything that they have oversight on.

Let me once again urge my colleagues, if Members support the roll-back from 45 to 35, vote against the Hinchey amendment because it is a poison pill to our ability to maintain 35 percent for network ownership.

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

Mr. Chairman, I rise to do something that I have not done in 29½ years. And I know that got everybody's attention. What could I possibly have not done in 29½ years?

Well, 29½ years is how long I have known the gentleman from New York (Mr. HINCHEY). We were elected to the State assembly as so-called "Watergate Babies" in 1974. And I can still recall that that December when we first went up to Albany, nearly froze to death in typical Albany weather, I think I just lost a few Albany votes, and began a friendship that has lasted all this time.

Of that 29½ years I have never either privately nor in a public forum spoken in disagreement with anything he has said or proposed. And technically, at the expense of sounding like a politician, technically I do not disagree with him.

I do not disagree with the intent of his amendment. If it was up to me, the Obey amendment would have been far-reaching. But I disagree with his amendment today for the reasons that the gentleman from Michigan (Mr. DINGELL) and others have expressed. Because it is my understanding now, as I understand this issue and the politics of this issue, that his desire to do the right thing would jeopardize that which is in the bill already and that which we have accomplished.

Now, I told you a couple of seconds ago that it is the first time I have disagreed with him. So I hope that he, as my brother, that he understands that this is not the easiest statement for me to make. But I know how much he believes in this issue. I know how much the gentleman from Wisconsin (Mr. OBEY) believes in this issue. I know how much I believe in this issue. And I know how much we have accomplished.

I have to tell you that I was in shock at the bipartisan vote in committee for the Obey amendment. I was pleased. I was joyous. But I was shocked.

I know that people who oppose this language, people out there in the industry who are opposed to what we are about to do in this bill, are trying to figure out how to undo it. And I am convinced, as so many have said today, that the Hinchey amendment will allow many to get off supporting what we have done and, in fact, find a reason or an excuse to back off.

And so it is for that reason that I risk his slight wrath momentarily as I look over those 29½ years and promise the gentleman that I probably will never disagree with him again, but I have to rise in opposition to this amendment at this time; and I would hope that Members see it that way and vote against it.

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

Mr. Chairman, I rise in opposition to the gentleman from New York's (Mr. HINCHEY) amendment. I also opposed the gentleman from Wisconsin's (Mr. OBEY) amendment.

I want to cite two examples of companies that I think have been very good companies, good corporate citizens, companies that have done a good job in their communities. I know that

those of us in politics, and I am sure every Member, all 435, have a gripe about a television station. I do, too. Probably about a radio station. Probably a gripe with a newspaper. We all do.

But the idea that we are going to offer an amendment to somehow corral a decision or overturn a decision that was made by the FCC, I think is not right.

□ 1700

I represent Adams County in Illinois where Quincy, Illinois, is the largest community and there is a family-owned newspaper there. The Oakley family owns the newspaper, and they own at least one television station in that town and several other television stations around the country; and they are a good corporate citizen, and they do not dictate policy from one station to another. They do not dictate policy from their newspaper to their television stations. So I guess they are the exception to the rule that one can own a newspaper and own a television station, several television stations, and not dictate policy and still be a good corporate citizen.

The classic example, though, is the Tribune Company. The Tribune Company has been in operation for 150 years. It operates in 12 markets, and it owns the Los Angeles Times, the Baltimore Sun, the Chicago Tribune, Newsday. It owns Channel 9 and many other television stations, and the notion that they try and dictate policy or dictate opinion I think is not accurate. I know that they have established themselves as one of the best corporate citizens, certainly in Chicago and in many other communities.

So the idea that we are going to have an amendment to overturn a decision that was made by the FCC because somebody does not like it or that television stations are too big or might dictate policy, I think, is not a true reflection of at least two I know, one in Quincy, Illinois, and one in Chicago, that has many outlets in many different places.

For that reason, I wish we could have defeated the Obey amendment, which we did not; but I hope we can defeat the Hinchey amendment which is even worse.

The CHAIRMAN pro tempore (Mr. TERRY). The Committee will rise informally.

The SPEAKER pro tempore (Mr. COBLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

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

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The Committee resumed its sitting. Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose the amendment, and I agree with much of the substance of this amendment; but I am concerned about the provisions with regard to newspapers.

Mr. Chairman, there used to be a time in every major city in America where we had three, four, five vibrant newspapers. Today, what we are seeing is fewer and fewer newspapers across the country. We are seeing circulation of newspapers going down and the economic viability of newspapers reduced dramatically because of the inability of newspapers to compete economically.

I know something about this because my father worked at the local newspaper in my hometown for 43 years. He was not the publisher. He was not the editor. He was not even a reporter. He punched a clock as compositor for 43 years, and that local newspaper meant a lot to our community.

I believe that the provisions regarding cross-ownership for newspapers would do serious harm to the financial viability of local newspapers with disastrous consequences for journalism. In a world where 24-hour cable news and Internet have made news sources for information widely available, we still depend, and our democracy depends, upon newspapers to provide high-quality, in-depth coverage of local news events; but with the emergence of so many alternative sources of news and entertainment, newspapers are struggling to retain advertisers who want to reach a high-quality, fragmented audience of consumers.

Newspapers are getting hit from both directions because they are losing circulation, viewers, and advertisers to broadcasters and major news media. The FCC's decision to relax the cross-ownership rules with regard to newspapers was based on extensive evidence showing that when newspapers are allowed to participate in local broadcasting, consumers benefit.

Daily newspapers almost always have the most extensive and sophisticated news-gathering apparatus in their circulation area. So this should not be surprising. Newspapers have been used in classrooms across America to discuss local issues. So when co-owned broadcast stations are able to draw on the depth and breadth of newspaper expertise, the stations can produce better local news programming; and when newspapers make their pitch to advertisers, they can say that they reach consumers across their circulation area through radio or, in some instances, TV ads as well as print.

The FCC did not have to guess what would happen with the quality of local news under lax cross-ownership rules

with regard to newspapers. Several local newspaper/broadcast combinations have been in operation since the 1970s under the grandfather rules. This experience shows that broadcast stations, co-owned with daily newspapers, are offering better local news and more of it.

Studies by both media owners and independent entities agree on these benefits. For example, a 5-year study by the Project for Excellence in Journalism at Columbia University, found that co-owned stations were more likely to do stories focused on important community issues and were more likely to provide a wide mix of opinion. Other studies show that existing newspaper/broadcast combinations do not coordinate the editorial views they express on important public issues.

The health of daily newspapers across this country is absolutely critical to the functioning of our democracy because newspapers offer by far the most extensive and consistent coverage of local political issues and public policy issues. That is why I believe the FCC's decision to allow more newspaper/broadcast cross-ownership is good public policy.

While I agree with many of the provisions in this particular amendment and also the gentleman from Wisconsin's (Mr. OBEY) amendment, the relaxation of a cross-ownership ban for newspapers will serve the public interest by fostering better newspapers and information; and I base that on my experience in dealing with local newspapers in my own district and my own family's involvement in 43 years.

I might also add, since there have been other issues such as overtime, when my father worked as an hourly employee for 43 years punching a time clock every day, whether or not we took a vacation that summer was determined by his ability to earn overtime at that newspaper. Fortunately, he was able to make the overtime payments because of the ability of that newspaper to provide a quality of life for the employees.

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

Mr. Chairman, I rise in strong support for this amendment for the simple reason that a monopoly of ideas is ultimately more destructive to American democracy than even a monopoly of money; and the American people understand this amendment should pass for two reasons, one philosophical and one practical. Let me address the philosophical one first.

In the words of Thomas Jefferson, who said, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter," the overwhelming majority of American people have an understanding in their gut and in their bones and in their heads that if we loosen the rules on media consolidation, we will