

sound evidence behind allowing marijuana to be used for the reasons for which it is argued.

I strongly urge my colleagues to oppose this amendment. It will, in fact, send an inconsistent signal to our children and do grave damage to the children of America.

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

Our Federal system reserves to the States all those powers that are not designated to the Federal Government in the Constitution. Ten States have decided that they want to alleviate the pain and suffering of their citizens who may be afflicted with AIDS or cancer or some other debilitating, killing disease, and make their last days on this Earth more comfortable by allowing them, under prescription from a licensed physician in those States, to use marijuana for medical purposes.

The Federal Government has said "no." The Justice Department and this administration have said "no." They are not going to allow people in those 10 States, fully 20 percent of the States of the Nation, to be relieved of the pain and suffering under the laws of those States. That makes no sense.

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

Mr. WOLF. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. HINCHEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 2 minutes remaining. The gentleman from Virginia (Mr. WOLF) has 3 minutes remaining.

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

I want to thank everyone who participated in this debate. I think it is very important that issues like this be discussed on the floor of the House of Representatives. The fact of the matter here, in this particular amendment, is simply this: Are we going to continue to allow the United States Justice Department to stick its nose into the business of 10 sovereign States of this Union who have decided that they want to help people who are suffering and dying from debilitating disease, AIDS, cancer, and others, who suffer from ailments such as glaucoma and a whole host of other ailments that have been found by a vast majority of the highly respected medical associations of this country, they have found that people suffering in that way can be relieved by the prescriptive use of marijuana under the supervision of a licensed physician?

That is what this amendment would do. It does not open up anything else.

Some of the arguments that have been made against this amendment have nothing to do with what this amendment seeks to achieve. It is very narrow in its form and in its definition. It relates only to States that have decided in their own way, either by ref-

erendum, which eight of them have, or by laws passed by their State legislative bodies, to allow people to use marijuana for medical purposes to relieve the pain and suffering in the final days of their lives.

People talk about a gateway drug. Someone dying from cancer is not going to use marijuana as a gateway drug. They are using it to try to gain back a bit of their appetite so that they can maintain their strength and continue to live among their family and offer the aid and assistance of themselves to that family during the last days of their lives. Are we going to deny people that?

That is exactly what we are doing by the present law, and that is why this amendment is here, and I ask for its passage.

Mr. WOLF. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this is really a cultural issue. That is what this is all about. It is about the culture, nothing else. The Hinchey amendment would mean that State medical marijuana laws are the supreme law of the land. This amendment would prevent Federal officials from enforcing Federal law in a manner contrary to State law.

Under this amendment anyone who manufactures, distributes, or possesses marijuana in purported compliance with State law would have immunity under Federal law.

I think it is a big issue and I think the gentleman from Arizona (Mr. SHAD-EGG) and the gentleman from Indiana (Mr. SOUDER) covered it very well. Medical marijuana laws send the wrong message to our youth, too many of whom do not recognize the dangers of marijuana and continue to experiment. It is a cultural issue. It has taken the culture in the wrong direction, and I urge defeat of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-229) on the resolution (H. Res. 329) providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

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 further consideration of the bill, H.R. 2799.

□ 2124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

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 to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I propose this amendment to the Committee on Appropriations for the Commerce, Justice, and State for, I think, a very direct and important reason. The American people have a right to believe that their Federal agencies and Federal resources are used appropriately for the mission statement and the legislative directive upon which these agencies are organized.

This amendment is simple. It states: "None of the funds made available by this act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas legislature in the period beginning May 11, 2003, and ending May 16, 2003."

The purpose of this amendment, Mr. Chairman, is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to that use of Federal agency resources in the Texas redistricting controversy in May of 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic members of the Texas legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats.

United States Marshals received phone calls to arrest Texas Democrats and Federal resources were being used to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of the misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic members of both the United States House of Representatives' Committee on the Judiciary and Select Committee on Homeland Security have repeatedly requested documents. Such documents have not been forthcoming. The many requests have either been ignored, or the information received has been redacted.

In addition, Mr. Chairman, the other body has requested information.

This amendment is simple on its face, to ensure as this process moves forward that no documents will be destroyed.

Mr. Chairman, this is another issue that I think is very important. Might I offer visually to my colleagues that when we requested information, this redacted document was the kind of document that we received, and I am going to have this document submitted into the RECORD. It is a statement from the United States Department of Homeland Security, Office of the Inspector General.

This issue is beyond the isolated and defined issue dealing with the Texas redistricting saga. It has to do with dignity, it has to do with civil rights and civil liberties. It is an outrage that we would have Federal officials using Federal resources to track civilians who perpetrated no crime. It is an outrage that we have as a statement regarding the use of a U.S. Attorney something noted by a reporter, reported elsewhere, that a spokesperson for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant, that is, regarding a Texas legislator. This was reported in the Fort Worth Star-Telegram, May 14, 2003.

I believe we already had another article saying that the elected official here in Washington, the gentleman from Texas (Mr. DELAY), already had a United States attorney in Texas researching how to employ Federal resources. This was Hugh Aynesworth, Washington Times, May 14, 2003.

This is not pointed at any particular individual, per se, as much as it is a horror about not being able to determine whether resources were being used adversely against civilians. This is, as I said, a question that this House should take up.

So my amendment is simple. It allows or says that no funds should be used to allow the Department of Justice to destroy any documents that may be relevant to this particular issue. It is out of the issue, out of the basis of transparency, out of the idea that the American people, no matter what the situation may be, are owed a responsible answer and responsible actions as relates to their Federal resources.

And then I would say, Mr. Chairman, in this time when we are fighting terrorism and using all of the resources that we might, Department of Justice, Department of Transportation, Homeland Security Department, all of these departments should be focused singularly on one purpose. That is, all the Federal might and resources to fight the war against terrorism.

□ 2130

I would hope my colleagues would support this amendment so that we can find out the truth and ensure that transparency always prevails in the United States Government.

U.S. DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF INSPECTOR GENERAL—INVESTIGATIONS—MEMORANDUM OF ACTIVITY

(Type of Activity: Personal Interview. Case Number: IN03-OIG-LA-0662. Case Title: Air and Marine Interdiction Center.)

On May 22, 2003, . . . , Texas Department of Public Safety (DPS), Austin, Texas, . . . or . . . was interviewed by the Department of Homeland Security (DHS), Office of Inspector General (OIG) regarding allegations that the Bureau of Immigration and Customs Enforcement (BICE), Air and Marine Interdiction Coordination Center (AMICC), DHS allegedly misused DHS resources in the search

of missing Texas state legislators, specifically, by looking for a missing airplane. Others present during this interview were . . . , DPS, Austin; . . . , DPS, Austin; and . . . , DPS, Austin. During the questioning of . . . the DHS-OIG was consistently interrupted and challenged by DPS participants that questions were not within the scope of the DHS-OIG investigation. The DPS asked the OIG if . . . would be given Miranda warnings. The OIG advised the DPS that . . . would not be given Miranda warnings since . . . was only a witness regarding a DHS-OIG investigation. The DHS-OIG advised that . . . was not under criminal investigation. . . . provided, in substance, the following information:

. . . has worked for the DPS for . . . said . . . knew that USCS tracked airplanes. . . . said . . . was unaware that this USCS California office was part of the DHS.

. . . said . . . called the USCS about a missing airplane on May 12, 2003, between the hours of 6:45 p.m. and 7:00 p.m. . . . said . . . asked for the "TX Desk" which . . . said referred to the Texas area.

. . . was questioned as to who instructed . . . to make an inquiry regarding the missing airplane. . . . said several individuals requested . . . to look for the airplane. At that point in the interview . . . asked . . . and . . . it . . . had to answer the question regarding who requested . . . to look for the airplane. . . . advised . . . that this question was outside the scope of the DHS-OIG investigation. The DHS-OIG informed . . . that this question was pertinent to the investigation; however, the DHS-OIG could not compel . . . to answer. . . . declined to answer the question.

At the direction of unnamed individuals, . . . said . . . called the USCS to locate the airplane since it was past its travel time and missing. . . . said . . . identified . . . and told the USCS call center employee that . . . needed to locate a missing airplane. . . . said . . . did not recall speaking with . . . at the USCS. . . . advised that there were legislators on board the aircraft; however, . . . did not know their identity. . . . said . . . provided the USCS with the airplane's tail number and advised them that . . . did not have the airplane's flight schedule. . . . said . . . could not remember the exact details of who was contacted to look for the airplane's tail number . . . asked USCS if they could assist . . . with locating the missing airplane. . . . said the USCS advised that they would research the matter and call . . . back . . . said . . . was called back by the USCS and advised that the Federal Aviation Administration (FAA) followed the flight plan from Ardmore, Oklahoma, to Mineral Wells, Texas.

. . . said the airplane departed Ardmore, Oklahoma, at 5:00 p.m. and was scheduled to arrive in Georgetown, Texas, at 6:13 p.m. . . . said the airplane's flight time was approximately one hour and thirteen minutes. . . . said the airplane's tail number was N711RD, which was registered to Hale Center, Texas. . . . stated . . . did not know to whom the airplane belonged. . . . said . . . checked with Austin Flight to verify if there was a flight plan from Ardmore, Oklahoma, to Georgetown, Texas, prior to calling USCS.

. . . said at approximately 8:00 p.m. . . . spoke with the USCS to check on the status of the missing airplane. The USCS advised . . . that they had been unsuccessful in locating the airplane in Mineral Wells, Texas, and that the next step would be to contact the FAA, Fort Worth, Texas. . . . said the USCS advised the only thing left to do was a search and rescue . . . said the USCS provided . . . with the telephone number for the FAA Fort Worth tower.

. . . said . . . called the FAA, identified . . . and requested assistance related to some

missing legislators. . . . did not recall who . . . spoke with or the time of the call to the FAA. The FAA advised . . . that the missing airplane traveling from Ardmore, Oklahoma, to Georgetown, Texas, went off the FAA radar in Bridgeport, Texas. . . . said . . . was told that the Bridgeport, Texas, and Mineral Wells, Texas, airports would be checking for the missing airplane.

. . . said when . . . contacted the FAA Fort Worth tower for the second time . . . could not recall what time it was or who . . . spoke with . . . said the FAA told . . . that they did not locate the missing airplane and that the next step was to check some more airports in the area for the missing airplane. . . . said the FAA told . . . that Possum Kingdom, Texas, Graham, Texas, and Weatherford, Texas, were in the Bridgeport, Texas, area. . . . said . . . asked the FAA how to conduct a search and rescue. . . . said the FAA explained that a search and rescue involved checking airports and looking on the ground for the missing airplane.

. . . said . . . spoke with the FAA three different times with the third discussion informing the FAA that the missing airplane had been located by the DPS in Graham, Texas. . . . said . . . did not know who at DPS located the airplane . . . said . . . had no recollection of the specific times during the night that . . . spoke with the FAA. . . . opined that the calls were made after 8:00 p.m. and prior to midnight on May 12, 2003.

. . . was questioned regarding any notes taken regarding the missing airplane. . . . said . . . notes from . . . conversations regarding the missing airplane with the USCS were shredded . . . said . . . did not shred the notes. . . . said . . . does not recall who . . . gave the notes to for shredding.

. . . opined that the total time utilized by DHS to assist . . . with the missing airplane was fifteen minutes related to some telephone calls made.

Mr. Chairman, I propose this amendment to H.R. 2799, the Commerce, Justice, State, Appropriations Act of 2004.

The amendment states, "None of the funds made available by this Act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003."

The purpose of this amendment is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to the use of Federal agency resources in the Texas redistricting controversy in May 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic member of the Texas Legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats, the United States Marshals receiving phone calls to arrest Texas Democrats, and Federal resources being utilized to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic Members of both the U.S. House of

Representatives' Judiciary Committee and Select Committee on Homeland Security have requested documents. The many requests have either been ignored, or the information received has been redacted.

This amendment is designed to prevent the Department of Justice from destroying or concealing any documents related to the Texas redistricting controversy. It is imperative that these documents be released so that Members of Congress can determine if Federal resources were misused.

Mr. Chairman, as America continues to fight a war on terrorism and attempts to protect our communities from crime, it is critical that every possible Federal resource is used for its intended purpose. The misuse of Federal resources cannot be tolerated because such misuse makes our communities unsafe, and our country more vulnerable to a terrorist attack. I urge my colleagues to support my amendment.

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

Mr. Chairman, the subcommittee accepts the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE). The amendment was agreed to.

AMENDMENTS NO. 3, 4, 5, 6 AND 8 OFFERED BY
MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendments numbered 3, 4, 5, 6 and 8, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Ms. JACKSON-LEE of Texas consisting of amendments numbered 3, 4, 5, 6 and 8:

AMENDMENT No. 3

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 regulate the issuance of consular identification cards by foreign missions in the United States.

AMENDMENT No. 4

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 extend a visa issued pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act more than 8 times.

AMENDMENT No. 5

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. Notwithstanding section 214(c)(1)(C) and section 286s of the Immigra-

tion and Nationality Act or any other provision of law, amounts from fees pursuant to the issuance of visas under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act shall be used as follows:

(1) 4 percent shall be used for the processing of visas for nonimmigrant status under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act.

(2) The remainder shall be used as additional resources for accelerating the processing by consular officers of other nonimmigrant visa applications.

AMENDMENT No. 6

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 to prohibit the study of the issue of implementing "good time" for persons incarcerated for non-violent crimes in the Federal prison system.

AMENDMENT No. 8

At the end of the bill (before 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 to prohibit the Administrator of the Small Business Administration from providing technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

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

The CHAIRMAN. The gentleman reserves a point of order on the amendments en bloc.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that out of my discussion of these amendments I will engage my colleagues in what I believe are very serious issues that need to be both debated and resolved.

Let me raise the first amendment, Amendment No. 3, which indicates that no funds in this bill should be utilized to prevent a sovereign nation from using counselor identification cards.

I will simply submit for my colleagues' consideration the fact that there was an amendment passed in the foreign relations authorization bill last week that would prohibit the State Department from authorizing the use of these matricula cards by various counselors around the Nation, in particular those cards that have been utilized by the Mexican counselors all over the Nation. I happen to have such a counselor in my congressional district.

It seems ironic that we passed this legislation when, in fact, the United States Treasury Department has written a regulation that specifically says that they will allow a financial institution to accept any one or more of the following; a U.S. taxpayer identification number, a passport number and county of issuance, an alien identification card number, or the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

This is hypocrisy and, of course, a conflict in law, where we would pass legislation to prevent it and, in fact, we do have rules that would allow it. So I hope that we will find a way to remove any block to various counselors being allowed to utilize those counselor cards.

Let me also say that I have an amendment that addresses the question of visas with respect to the trade bills that will be on the floor tomorrow. It is a shame that we are using those trade bills, if you will, to do immigration law on trade bills. I will be debating those questions tomorrow, but I had amendments regarding the nonimmigrant visas and as well the H-1B fees. But I will, if you will, be allowed to debate that fully tomorrow, and I would only argue that we should not do immigration policies on trade bills.

The bill that I really want to discuss, that I am presenting in this amendment, is the issue of "good time." Mr. Chairman, let me simply cite that in the Bureau of Prisons we have 143,000 inmates, 14,000 in private prisons, and that we have any number of prisoners who are, in essence, nonviolent. By race, we have 56.5 percent are white, black are 40.4 percent, Native American 1.6 percent, Hispanic 3.2 percent.

My idea of an amendment dealing with "good time" is to be able to give some relief to those nonviolent prisoners who are incarcerated. This issue is being discussed all over the country. Families are begging for us to address the question of mandatory sentencing. Our prison system is overcrowded.

I hope that I can gather my colleagues to reasonably look at an important concept, which is putting in the concept of "good time" in our Federal prisons. My constituents happen to come from an inner-city district and are overloaded in the prisons. Many of them are there for nonviolent crimes. Many of their families are crying. Many of their families were willing to take them in, and also in many instances they have been rehabilitated and can be more contributing to society if they are released.

The very fact they are being held in prison on a mandatory sentence, not having the opportunity for "good time," I think is a waste of resources. It is costing the United States of America millions of dollars. These are not violent criminals. I am not arguing for violent criminals; I am arguing for those nonviolent criminals that are in, who could do well to be released.

My last amendment has to do with recognizing that small businesses are the backbone of America. With 6 million people unemployed, this amendment would simply provide for the Small Business Administration to provide technical assistance for small businesses who want to do business in rebuilding Iraq and Afghanistan. I hope to be able to work with the Small Business Administration to ensure that this kind of technical assistance is provided.

Likewise, I would hope to be able to work with the Federal Bureau of Prisons, my colleagues on the House Committee on the Judiciary and ultimately the Committee on Appropriations to look at the idea of "good time" being placed in law, recognizing the need to address this frightening, staggering statistic of overcrowding prisons with inmates and people incarcerated that could do well to benefit from Federal sentencing guidelines being modified by a "good time" provision, one day per one day of good time, and giving a reward to nonviolent criminals in the Federal prison.

We are overcrowded, everyone recognizes it, families are being penalized; and I would ask that my colleagues would entertain these ideas in the future as we discuss ways of solving problems that need to be solved.

The purpose of this amendment is to prohibit funding needed for the Secretary of the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States. H.R. 2799 requires the Secretary to decide what the consulates of other countries can and cannot do with respect to consular identification documents in the United States.

Although the Secretary's decisions would apply to all consulate offices in the United States, it is apparent that the objective of the requirement is to regulate the issuance of a particular consular document, the *Matricula Consular* issued by the Mexican consulates.

The Mexican consulates issue these cards to create an official record of its citizens in other countries. The *Matricula* is legal proof of such registration. This registration facilitates access to protection and consular services because the certificate is evidence of Mexican nationality. It does not provide immigrant status of any kind, and it cannot be used for travel, employment, or driving in the United States or in Mexico. The *Matricula* only attests that a Mexican consulate has verified the individual's identity.

If the Secretary of State were to regulate the consulates of Mexico and other foreign governments, it would interfere with the rights of other sovereign nations to issue whatever identification cards they want to issue to their citizens abroad, provided that they meet the requirements of the Vienna Convention. Under that convention, consular function is established as "performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State."

There is no United States federal law that forbids the issuance of consular identification cards. In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT Act that would allow financial institutions to accept consular identification cards as valid forms of identification for the purpose of opening accounts.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries which would be similar to the present H-1B nonimmigrant visa classification. The H-1B program generates a \$1,000 fee that employers must pay. Under the H-1B provisions, 4 percent of the \$1,000

must be used for processing the H-1B visa applications, and the remainder must be used to run training programs for American workers.

The new nonimmigrant visa classification also would generate a \$1,000 fee. In fact, the fee for the new classification would be the same as the fee for the H-1B classification. If the H-1B fee is lowered, the new classification's fee also would be lowered.

My amendment would use the same type of distribution system that is currently used by the H-1B system, only the remainder would be used for a different purpose. The Secretary would have to use the remainder for processing other types of nonimmigrant visa classifications. I want to emphasize that my amendment does not affect the use of the fees generated by H-1B applications.

The reason for earmarking the extra funds generated by the new fees this way is to accelerate the processing times for nonimmigrant visas. Our consulate offices in other countries have enormous caseloads of nonimmigrant visa applications, which has created unfortunate delays. For instance, people from other countries who are seeking medical treatment in the United States sometimes cannot obtain nonimmigrant visas until it is too late. Something has to be done about this situation. The fee distribution system I am proposing would provide help to improve this situation.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries who want to work in the United States. The new visa classification would be similar to the existing H-1B visa classification. The purpose of my amendment is to prohibit the funding of renewals for the new nonimmigrant visa classification beyond 8 times.

The existing H-1B classification permits foreign employees to enter the United States for a 3-year period. At the end of that period, the employee must go home unless he is granted a renewal. One 3-year renewal is permitted. At the end of the renewal period, the foreign employee must go home.

The new visa classification would authorize the foreign employee to work in the United States for 1 year, instead of 3 years, as is the case with the present H-1B classification. When the year is completed, however, the new visa classification provisions would permit an infinite number of renewals in 1-year increments. Theoretically, the foreign employee could enter the United States as a nonimmigrant employee at the age of 22 and remain until he is ready to retire at the age of 70 by obtaining renewals at the end of each 1-year period.

The provision in the Immigration and Nationality Act for nonimmigrant classifications did not intend such a result. The term "nonimmigrant" is defined as an alien in the United States who is not an "immigrant." An "immigrant" is an alien who has made the United States his home. An immigrant is a permanent resident. In contrast, a nonimmigrant is someone who is in the United States on a temporary basis. The new nonimmigrant visa classification would violate that definition by making it possible for alien employees to spend their entire careers working in the United States. That is not a temporary admission by any stretch of the imagination.

My amendment would prohibit funding more than 8 1-year renewals. This would permit the

alien employee to remain for a total of 9 years, which is 50 percent longer than the 6-year period that a person with an H-1B classification can remain.

I urge you to vote for my amendment.

Mr. Chairman, today I rise in support of my amendment to H.R. 2799. The purpose of this amendment is to promote the study of "good time" in federal sentencing guidelines for persons incarcerated for non-violent crimes. Mr. Chairman, "good time" is a reduction in sentenced time in prison as a reward for good behavior. It is usually one-third to one-half off the maximum sentence.

Mr. Chairman, at this time we are faced with a crisis. Our federal prison systems are severely overcrowded. We are running out of resources and facilities to house our prisoners. Mr. Chairman, at this time there are currently thousands of non-violent offenders, first time offenders, serving time in these federal prisons. Some of these prisoners are prisoners who realistically pose no more of a risk to society than you or I. I firmly believe that some of these non-violent, in many cases first time offenders, should be given a second chance to prove themselves and become positive contributors to this great society of ours.

I would also say, Mr. Chairman, that at this time recidivism is also a major problem now plaguing our prison system. We are experiencing a phenomenon in where many prisoners who spend time serving lengthy prison sentences are released and soon return to incarceration. It is my impression, Mr. Chairman, that lengthy prison sentences just do not work; we need to begin to conquer the root of the problem.

I propose this amendment to H.R. 2799, the Commerce Justice State Appropriations Act for FY 2004.

The purpose of this amendment is to prohibit any funds allocated under this act from being used to prevent the small business administration from providing technical assistance to small businesses participating in rebuilding Iraq and Afghanistan. I am a proponent of the full participation of small businesses, minority-owned businesses, and women-owned businesses in efforts to rebuild post-war Iraq and Afghanistan. In the department of defense reauthorization bill I included language to help America's small business community. This amendment also helps America's small business community. The amendment ensures that no funds will be used to prevent the small business administration from helping America's small businesses rebuild the cities of our international allies. I propose this amendment as a means of helping the citizens of Iraq and Afghanistan and also helping America's small business community. I urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I do.

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

Mr. WOLF. Mr. Chairman, I make a point of order against the amendments because it proposes to change the existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part "an amendment to a general appropriations

bill shall not be in order if changing existing law."

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I indicated, these are very, very important issues to me and many of the constituents and advocacy groups that I have engaged in. I do believe that we should not do immigration policies on trade bills, and of course, those bills will be up tomorrow. They involve those kinds of issues.

Likewise, I think it is extremely important, as I said, that we do something to solve the overcrowding of the Federal Bureau of Prisons and other prisons and, as well, address the question of small businesses attempting to do work in Iraq and Afghanistan.

But I will look forward to working with my colleagues on these very important issues as we work through the Congress's business in the 108th Congress and hope to be eventually successful with these amendments.

Mr. Chairman, I look forward to working with my colleagues in bringing forward amendments that they will accept and that we will have a positive vote on.

Mr. Chairman, I ask unanimous consent to withdraw the amendments en bloc.

The CHAIRMAN. Without objection, the amendments en bloc are withdrawn.

There was no objection.

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

Mr. Chairman, as we get close to the end of this debate and the end of the evening, I just wanted to take this opportunity, first of all, to commend you, sir, for the work you have done today and for the professional and fair way in which you have treated all of us. It is always a pleasure to have you in the chair, and I know that I speak probably for both sides, but certainly for this side, in thanking you for the way in which you treat us, in your fair and honest way.

Secondly, I take this opportunity once again to say to my chairman, the gentleman from Virginia (Mr. WOLF), that it is a pleasure always to work with him. We have had some little lumps today, but I think when the final vote is taken tomorrow, everything will show that we did what was right and we did what was fair; and I just want to thank the gentleman for being a good partner in this endeavor of ours.

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

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

Mr. WOLF. Mr. Chairman, I thank the gentleman. I feel exactly the same way. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

Mr. RUSH. Mr. Chairman, this amendment is modest in scope. It temporarily stays Federal death penalty prosecutions for the fiscal year 2004.

I want to say that this is not an abolition of the Federal death penalty. Specifically, Mr. Chairman, it prohibits Federal funds under the act from being used in the sentencing phase of Federal death penalty cases.

Mr. Chairman, there are too many mistakes that happen in the Federal judicial system. Last year, I am sure you know, a district court ruled that the Federal death penalty is unconstitutional because it does not afford defendants enough opportunity to prove their innocence.

This decision was overturned by the Second Circuit, but only on legal grounds, and it shows that there is controversy over the factual accuracy of death penalty cases.

In Illinois, the State that I represent, where my district is located, the former governor, the Republican governor, I might add, George Ryan, imposed an indefinite moratorium on State death penalty cases because too many defendants were being exonerated.

This amendment tries to emulate what Governor Ryan did. However, it is more modest in scope, because it only lasts 1 year.

Mr. Chairman, in Illinois we had literally tens of individuals who were on death row, who had been placed on death row by a process that I am sure that Members of this body would not be proud of, including torture in terms of soliciting their confessions, and in terms of they had faulty defense counsel and various other kinds of issues and problems that they were not able to overcome.

As a result, there were approximately 61 people who were actually freed from death row. If I am not mistaken, there were a number of people freed from death row because it was determined that their confessions had been solicited after being tortured in the jail system or in the Cook County jail or the Chicago police stations.

So this amendment is meant to deal with that issue, to deal with similar issues in the Federal system.

I might add that since Governor Ryan imposed his indefinite moratorium on the death penalty, Illinois has passed a lot of reforms that came about as a result of the findings of a commission that Governor Ryan convened during this moratorium.

Our State has passed common-sense reforms that will more adequately safeguard defendants from wrongful

death penalty prosecutions. They have imposed a minimum defense requirement, and now, Mr. Chairman, I am so proud that my State is the first State in the Nation that has imposed videotaping of all interrogations. That means that in any death penalty case, all the interrogation has to be videotaped by the police department in the first instance. That bill was signed into law last week, and I think that we at the Federal level should do no less than what we have done at the State level.

I might remind the Members of this House that in the year 2000, the Department of Justice survey of the Federal death penalty system shows that the system disparately affects people of color. Eighty percent of cases in which the death penalty was sought involved defendants of a minority ethnic group, and over half of the cases involved African American defendants. It seems that with 80 percent of these cases, that certainly is out of line with what the population of this Nation is.

Since 1988, another factor that I want Members of this body to know is 60 percent of white defendants avoided the death penalty through plea bargaining, while only 41 percent of African American defendants were able to plea bargain in such a fashion.

So, this particular amendment, Mr. Chairman, is, I think, a worthwhile amendment. It is a sound amendment and it really is meant to eradicate some injustices that might exist, that do exist, in the criminal justice system.

I might add, Mr. Chairman, that the fact that these death penalty laws are carried out in such a biased way, one-sided way, affecting minorities, that it is shameful on this Nation for this to be allowed to continue.

□ 2145

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. It really is not an appropriate amendment for an appropriations bill. It really should be dealt with by the authorizers.

Also, the gentleman's amendment would allow the Department of Justice to prosecute cases involving the death penalty, but would then prohibit them from the sentencing phase. That is probably not a very good way to go.

I understand what he is trying to do, but the Congress has enacted numerous bills dealing with these issues, and I think undoing these bills with a funding limitation is probably not the way to go. I would urge the gentleman to go through the authorizers. I know they are opposed to this amendment.

So because of that, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

RECORDED VOTE

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

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

AMENDMENT OFFERED BY MR. LEVIN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEVIN:
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 may be expended by the United States Trade Representative for negotiating a Free Trade Area of the Americas (FTAA), or a Central American Free Trade Agreement (CAFTA), that does not protect against piracy of copyrights, that does not open markets for United States agricultural products and high technology and other manufactured exports, that provides greater rights for foreign investors than Americans in the United States, and that does not require adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination, and guarantee of the right to associate and bargain collectively.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on the amendment offered by the gentleman from Michigan (Mr. LEVIN) and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and by an opponent, and that would be, I think, the gentleman from Arizona (Mr. KOLBE).

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

There was no objection.

The CHAIRMAN. The Chair will consider the point of order reserved throughout the debate.

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

Mr. Chairman, this amendment is being offered for a clear set of reasons. Expanded trade is critical. It is critical that the terms of this expanded trade be effectively shaped. The pace of trade negotiations is indeed increasing. This heightened pace needs to take a global economy and all of its people, and I emphasize all of its people, in the right direction upwards.

This amendment is not a case of tying the hands of our negotiators. It is a matter of Members of Congress showing their hands, showing what should be the course of these negotiations.

So this amendment underlines, on behalf of this House, some priorities: protection against piracy of copyrights, open markets for agricultural goods, open markets for high-tech and other manufactured exports, no greater rights for foreign investors and Americans, and guarantee of the right of

workers to associate and bargain collectively.

Since CAFTA, the Central America Free Trade Agreement, is the next trade negotiation that is farthest along, let me discuss it in terms of this amendment.

In this negotiation of CAFTA, there is a particular relevance of the provision in this amendment relating to the rights of workers to associate and to bargain collectively. CAFTA represents a major opportunity, and I emphasize that, to integrate further the economies of our Nation and the nations of Central America. Such integration includes sensitive areas such as apparel and textiles and agriculture. This further economic integration of Caribbean nations, including the United States, beyond that in the CBI arrangements, cannot be achieved unless there are some basic standards negotiated into the new CAFTA trade agreement. This expanded trade and further integration of our markets cannot be achieved based on the suppression of the workers in Central America in the sectors I mentioned or any other.

There is clearly such suppression of workers today in the three Central American countries I visited 3 months ago: El Salvador, Nicaragua, and Guatemala. That is verified clearly by both the State Department and ILO reports. Laws in those countries that are woefully weak, that clearly violate ILO standards, woeful enforcement of these clearly inadequate laws, putting forth in the negotiations of CAFTA as the U.S. is doing as a standard, enforcing your own laws can only lead to the opposite of strong laws and strong enforcement.

If this does not change, one, workers in these Central American nations will not be able to climb up the ladder, cannot become part of an expanded middle class so important to them, so important to their countries, and important to the U.S. in terms of ability of people in those countries to buy our goods and services; two, there will be a race to the bottom among the nations as to which Central American nation can have the worst conditions, the most suppressed workers; three, workers and an increasing number of consumers in our Nation will oppose any trade agreement.

Mr. Chairman, we have a chance, and I emphasize this, an opportunity, to build integrated economic structures that can compete with all nations, build on standards that uplift the people of the United States and Central America, and eventually all other nations.

This amendment says the Congress wants USTR to seize this opportunity. I urge support of this amendment.

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

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

I rise in opposition to the amendment that is offered by the gentleman from Michigan. At the appropriate time, I will make the point of order as to why I believe that this amendment is not in order. As I understand it, just so we are clear as to how we are going to proceed here this evening, our intention is for the two of us or others who may want to debate to use the time, and reserve, each of us, 1 minute of debate for tomorrow, and I will make the point of order at that time and we will address the issue at that time.

But aside from the issue of the parliamentary procedure that is involved here as to whether this amendment is in order and, as I said, I will address that at the appropriate time, I do have strong objections to the content of this amendment.

I have a lot of respect, a tremendous amount of respect for the gentleman from Michigan. I appreciate both the intellect and the passion that he brings to the subject of trade and its discussions. He and I worked together, sometimes on opposite sides, on trade issues in this Chamber over the years. On any given day, when there is a trade panel discussion, whether it is here in the Capitol or some place downtown, he and I are usually paired together as discussers. But as many of my colleagues may know, we do possess very different views about trade policy.

I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well.

But I have to say the net result is quite mischievous. The gentleman, through his amendment, seeks to have his cake and then to eat it as well. Or on another plane, it attempts, this amendment attempts to be all things to all people. It purports to satisfy all constituencies: expertise in agriculture, manufacturing, technology, U.S. producers of intellectual property through copyright protection, antiglobalization environmental organizations focused on investment issues, and even labor organizations focused on labor rights.

In the context of trade negotiations, it sets very high hurdles or high marks on the pole vault poles that the U.S. trade negotiators must meet in order to get over that hurdle. It cherry-picks the very best USTR has been able to negotiate so far in other free trade agreements with other countries. And, in this case, it picks on the two that are here in our hemisphere. It says that the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, both under active consideration and active negotiation, should emulate the copyright provisions from the U.S.-Chile Free Trade Agreement. On the agriculture, manufacturing and market access, the amendment says that CAFTA and the FTAA should replicate the outcomes of the U.S.-Singapore Free Trade Agree-

ment. On the issue of investor rights, it creatively interprets how Trade Promotion Authority, TPA, which has been adopted by this body and enacted into law, it creatively interprets how TPA was written to meet its own ends. Lastly, it would seek to make Jordan, the Jordan agreement a model for future agreements on the issue of labor rights.

Mr. Chairman, as I said a moment ago, this amendment really aims to be all things to all people. But when we get below the surface, we have to realize that this amendment is a poison pill, a poison pill that dooms the hope of Hondurans and Equadorans, El Salvadorans, and all others in this hemisphere for more market access, for the opportunity to trade with the United States. The aim of this amendment is nothing less than to sink the negotiations on the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, and that would be a disaster. It would be a disaster for the U.S. economy. It would be a disaster for our foreign policy, which has made such a strong commitment to these countries, to give them the access that they do not now have. It would be a disaster for the future development of democracy in the Western Hemisphere.

The fact is, Mr. Chairman, every agreement is unique. We can be sure that USTR will get the best possible deal for U.S. workers, for exporters, and for importers. We can be sure that the U.S. Government will seek to get the best deal for consumers and for America's working families. But, Mr. Chairman, we cannot prejudice the outcome like this gentleman attempts to do with his amendment by directing it in advance. Every negotiation, every trade negotiation that we have ever had is different; but we all expect that in the end the agreements that are negotiated by USTR will improve the status quo for free trade in the Western Hemisphere and with the Central American countries. That is our goal for CAFTA and for the FTAA. This agreement, by seeking to put a strait-jacket around the USTR as to how they would negotiate that agreement, would assure that in the end we have no such agreement. It is as simple as that.

For that reason on substance, this amendment should be opposed.

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

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I thank the gentleman from Arizona for withholding on his point of order so we may make our points.

I am most concerned with this amendment with respect to the sec-

tions dealing with labor, the issues of forced labor and exploited child labor, and the right to associate and to bargain collectively. Those are all determinations that would be made in the countries that we signed the agreement with. To suggest that somehow we cannot conduct free trade, that we cannot conduct trade with countries in Central America and South America, or anywhere in the world; that if those people have the right of freedom of association, or they have a right to collective bargaining, that that would destroy the trade agreements.

Yet, we have seen a country like Cambodia that now has a textile agreement, that has the ILO poor labor standards in it. We see American companies flocking to Cambodia to do business there, because, in fact, they find those poor labor standards provide a value added. They find out now that when they come under attack for the processes in which they use to manufacture their goods, they have the ability to refer them to the ILO.

□ 2200

It has been settled and many of them have escaped jeopardy because they had done nothing wrong, but there was a neutral forum to do that. The Cambodian Government finds, as I said, that this is a value added for them.

What are they doing? They are allowing people in a country that just a few short years ago was considered a killing field, they are allowing people to freely associate, to collectively bargain, to form the union, and to develop the workers' rights in accordance with that proposition.

That is all we are asking. We are not asking them to take American labor union agreements, the American labor collective bargaining standards, but we are allowing people to freely associate and to participate. And the fact of the matter is, it can work because if you do not do that, then what you simply do is develop what has been written about the first generation of globalization, and that is the incredible exploitation, the incredible exploitation in the Third World countries as we open them up for trade for purposes of manufacturing where the benefits are not shared, the benefits are not derived in those societies, and that has got to stop. Not only is that unfair competition for American workers, but it is exploitative competition for the people in those countries.

Why is it that when banana pickers try to get together in Ecuador, they are beaten by the police? Their houses are set on fire. They are beaten outside the place of their employment. Their families are intimidated. That is fair trade? That is the treatment that we want to bring to people? We do not want to suggest that these people are entitled to more? You can buy 10 pounds of bananas for 99 cents, so that somehow we can justify that?

No. This is about whether or not over a long period of time if these people

have these rights and they are enforceable, they will have the ability to freely associate, to collectively bargain, to get rid of forced labor, to get rid of child labor. And that would be the American market being used for the best of purposes to leverage these people into a better life and a better standard of living.

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

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan (Mr. LEVIN) for yielding me time.

Mr. Chairman, where I come from, trade is a four-letter word, J-O-B-S. Unfortunately, this administration, this Trade Representative, the leadership in this Congress just simply do not spell very well.

We all know what has happened. We lost 3.1 million jobs in the 2½ years the Bush administration has been in the White House. We have lost 2.1 million manufacturing jobs. We have lost them because of an economic program of tax cuts for the wealthy, the most privileged. We have lost them because of the cuts in veterans, in education, in health benefits. And we lost them because of trade agreements, one trade agreement after the other.

Last Sunday, I spoke at a rally for Goodyear. There are 14 Goodyear plants left in the United States. Worker after worker came up to me and said, What are you doing about our jobs that move overseas?

They understand that NAFTA has been a failure from a billion-dollar-plus trade surplus 10 years ago, pre-NAFTA, to a \$25 billion deficit with Canada and Mexico post-NAFTA. They understand that our China trade policy has been a failure. Only \$100 million, with an "M," trade deficit a dozen years ago; \$100 billion, with a "B," trade deficit today where thousands, tens of thousands, hundreds of thousands, maybe a million U.S. jobs have gone to China.

Two years ago Congress got it right. This body passed without dissent a Jordan trade agreement. They got it right because it had labor standards. It had environmental standards. It represented American values and Jordanian values that lifted people up, not pulled standards down.

But now we have Singapore. Now we have Chile; next we have the Central America Free Trade Agreement, where the model under Jordan was strong environment, strong labor standards, strong food safety standards, our values.

The Levin amendment makes sense because it will restore what this Congress rallied around, a Jordan-type trade agreement which meant raising values, supporting American values, raising the standards that we hold dear on labor and the environment. It makes sense. It is the right message. It is the right legislation for American jobs. It will explain to those Goodyear

workers in Akron and 13 other plants across this country, explain to steel workers who have lost their jobs, explain to auto workers that might lose their jobs that this Congress actually is on the side of American values, is on the side of fighting for American jobs, cares about the environment, cares about food safety, cares about supporting American values, bringing back American jobs, preserving what we have, fighting for what we have.

The Levin amendment makes sense.

Mr. LEVIN. Mr. Chairman, I just want to be sure about the time since the gentleman from Arizona (Mr. KOLBE) and I are both reserving a minute at the end and the minority leader is going to take that minute tomorrow.

Mr. Chairman, do I have 4 minutes left?

The CHAIRMAN. That is correct.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Chairman, I begin by an expression of my strong respect for the chairman of the Foreign Ops appropriations subcommittee. I disagree with him on the amendment before us, which states that basically the funding of our Trade Representative shall be applied towards negotiating agreements that protect against piracy of copyrights, open markets for United States ag products, open markets for our high tech and other manufactured exports, and that provide for basic labor agreements in the countries we are negotiating with.

I think the American taxpayer has a right to understand that there are some governing principles behind the way we approach these trade negotiations. And I would like to focus specifically on agriculture for a minute.

Some might think that if it is agriculture that is exported, then trade agreements are good. It depends on how those trade agreements are negotiated. We presently are locked in a regimen, for example, with Europe where they have very significantly higher export subsidies, and we are looking at a WTO run where they are basically evaluating whether or not to bring each of them down an equal percentage, still leaving in place an essential disparity between the subsidies that Europe provides their exports and we provide ours.

We have a trade agreement with Canada that protects the operation of their state trading monopoly, the Canadian Wheat Board, a monopoly trading enterprise that we believe provides subsidies illegally to the Canadian farmers. So our farmers are not competing against Canadian farmers; they are competing against the Canadian Wheat Board and its government. They could make that clear by opening their books, but they have adamantly refused to open their books.

We have sued them. We have tried all kinds of things. And now we have a case pending in front of the WTO, years of delay, disadvantage to our farmers, lost markets, all accomplished under these trade agreements that were supposed to bring us new markets.

So it is important that we have a very clear vision, going in, that we are advancing our interests, we are advancing it compatible with our values. And that means opening markets. And that means labor protections.

This comes into sharp focus as we are on the eve of potentially voting on and maybe approving agreements that have previously been negotiated for Singapore and Chile.

We had a vote last week in the Committee on Ways and Means. I voted for each of those trade agreements, and I intend to vote for them on the floor. But let me make it very clear, a vote for those agreements does not mean that that is somehow a template, some kind of stamped form agreement that we can apply to countries that are fundamentally different from the advanced countries of Singapore and Chile with the functional labor protections and other protections.

This is an important resolution before us. I urge its adoption.

Mr. KOLBE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) has 9 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 1 minute remaining.

Mr. KOLBE. Mr. Chairman, I yield myself 8 minutes, although I do not expect to use it, but I want to make sure I protect 1 minute at the end there.

Mr. Chairman, as I listen to the gentleman from North Dakota (Mr. POMEROY), who is a good friend of mine and somebody whom I have the greatest respect for, I realize that what we are talking about here is something that on one level sounds very good.

Who in the world is not in favor of opening our markets? Who in the world is not in favor of protecting us against copyright invasion? Who is not in favor of rights for American investors at least as good as foreign investors have? Who in the world would not be for good labor standards that do not allow for exploitation of child labor or forced labor?

All of those things, of course, we are for. But we have to look at the specific words of the amendments that is being offered here, Mr. Chairman. It is not just nice rhetoric we are talking about. We are talking about an amendment that is being proposed to a piece of legislation that is being proposed to be enacted into law. So let us look at it.

It says none of the funds, none of the funds, made available to the United States Trade Representative, none of the funds in here, which is well over \$24 million this year, none of the funds made available to the U.S. Trade Representative may be used in negotiating a Free Trade Agreement of the Americas or a Central American Free Trade

Agreement, CAFT agreement, that does not protect against piracy of copyright. Well and good. Who determines that? How does it get determined? How do we know if we are making sufficient progress during the negotiations to know whether or not we could be expending any funds that does not open markets for the United States agricultural products and high technology and other manufactured products.

Does that mean that only if it opens markets for our products? Does it mean it cannot open our doors for products from other countries coming into the United States? Is this supposed to be just under this? Is USTR supposed to assume it has to be a one-way trade agreement that is to be negotiated, that provides for greater rights for foreign investors? What are greater rights? What does that mean? Cannot provide for greater rights for foreign investors than U.S.? Do we have to compare each tax law? How do we compare the tax laws as opposed to our own tax laws? How are they supposed to know?

The point of all of this, Mr. Chairman, the point that I am trying to make here, is that what we are talking about here is a negotiating process. We are talking about the U.S. Trade Representative entering into a negotiation. And when you enter into negotiations, you cannot prejudge and say that at the outset it has to be better than it was before in all agricultural products. It has to provide for more protection for U.S. investors than for other investors.

And how are they supposed to know day by day during this negotiation whether they are allowed to expend funds?

It is a completely unworkable kind of amendment that is being offered here today. So just on the surface of this amendment it is something that could not really possibly work. The bottom line is we all want to have protection for investors, protection for copyrights, open access to markets in other countries.

But we are also talking about some of the least developed countries, certainly, in this hemisphere, some of the lesser-developed countries in the world. And part of what we want to do with these trade agreements is give them an opportunity to have economic growth, give them an opportunity to hope for the future, give them a hand up, not a hand out, hold our hand out to them with open trade, with open markets; not to keep giving them more assistance that only robs them of the ability to send their markets, send their products to our markets.

That, Mr. Chairman, is what we are talking about with these free trade agreements.

I am reminded finally of how the head of the international labor organizations at one time with the group of members of this body was being questioned about labor rights and what

kind of labor rights should exist in other countries; and he finally said, We want jobs, of course, we want good jobs in these Latin American countries, but first we have to have the job before we can talk about how we protect that job, before we can talk about having worker protections and building on that and making those jobs better and providing for more rights for our workers. First, we have to have the jobs.

□ 2215

That is what we are talk about with CAFTA and the FTAA. We are talking about providing these jobs for people there, giving them a chance, giving them hope for the future. Let us not rob them of that hope. Let us not do the Central American Free Trade Agreement; let us not do the Free Trade Agreement of the Americas with an amendment like this.

Tomorrow we will make our points of order on the issue itself as to whether this amendment should be in order.

Mr. Chairman, I yield back the balance of my time except for the 1 minute that remains.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

NOTICE OF INTENTION TO RAISE QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEVIN. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privilege of the House. The form of my resolution is as follows:

HOUSE RESOLUTION—

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority-party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PLAN COLOMBIA/ANDEAN COUNTERDRUG INITIATIVE SEMI-ANNUAL OBLIGATION REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with section 3204(e), Public Law 106-246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, July 22, 2003.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One, the House conferees shall be instructed to include in the conference report