

Lowey	Pascrell	Skelton
Lucas (KY)	Pastor	Slaughter
Lucas (OK)	Payne	Smith (MI)
Lynch	Pearce	Smith (NJ)
Majette	Pelosi	Smith (TX)
Maloney	Peterson (MN)	Smith (WA)
Manzullo	Peterson (PA)	Snyder
Markey	Petri	Solis
Marshall	Pickering	Souder
Matheson	Pitts	Spratt
Matsui	Pombo	Stark
McCarthy (MO)	Pomeroy	Stenholm
McCarthy (NY)	Porter	Strickland
McCollum	Portman	Stupak
McCotter	Price (NC)	Sullivan
McCrery	Pryce (OH)	Sweeney
McDermott	Putnam	Tancredo
McGovern	Radanovich	Tanner
McHugh	Rahall	Tauscher
McInnis	Ramstad	Taylor (MS)
McIntyre	Rangel	Taylor (NC)
McKeon	Regula	Terry
McNulty	Rehberg	Thomas
Meehan	Renzi	Thompson (CA)
MEEKS (NY)	Reyes	Thompson (MS)
Menendez	Reynolds	Thornberry
Mica	Rodriguez	Tiahrt
Michaud	Rogers (AL)	Tiberi
Millender-	Rogers (KY)	Tierney
McDonald	Rogers (MI)	Towns
Miller (MI)	Rohrabacher	Turner (OH)
Miller (NC)	Ros-Lehtinen	Turner (TX)
Miller, Gary	Ross	Udall (CO)
Miller, George	Rothman	Udall (NM)
Mollohan	Roybal-Allard	Upton
Moore	Ruppersberger	Van Hollen
Moran (KS)	Ryan (OH)	Velázquez
Moran (VA)	Ryan (WI)	Visclosky
Murphy	Ryun (KS)	Vitter
Murtha	Sabo	Walden (OR)
Musgrave	Sánchez, Linda	Walsh
Nadler	T.	Wamp
Napolitano	Sanchez, Loretta	Watson
Neal (MA)	Sanders	Watt
Nethercutt	Sandlin	Waxman
Neugebauer	Saxton	Weiner
Ney	Schakowsky	Weldon (FL)
Northup	Schiff	Weldon (PA)
Norwood	Schroock	Weller
Nunes	Scott (GA)	Wexler
Nussle	Scott (VA)	Whitfield
Oberstar	Serrano	Wilson (NM)
Obey	Shaw	Wilson (SC)
Olver	Shays	Wolf
Ortiz	Sherman	Woolsey
Osborne	Sherwood	Wu
Ose	Shimkus	Young (AK)
Owens	Shuster	
Pallone	Simmons	

## NAYS—26

Blackburn	Hefley	Pence
Burton (IN)	Hostettler	Royce
Cannon	Johnson, Sam	Sensenbrenner
Coble	Jones (NC)	Sessions
Culberson	Kingston	Shadegg
Duncan	Miller (FL)	Simpson
Fattah	Myrick	Stearns
Flake	Otter	Toomey
Goode	Paul	

## NOT VOTING—20

Berry	Hinchev	Rush
Blumenauer	Honda	Tauzin
Carson (IN)	LaHood	Waters
Collins	Meek (FL)	Wicker
Deutsch	Oxley	Wynn
Gephardt	Platts	Young (FL)
Hastings (FL)	Quinn	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1228

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WICKER. Mr. Speaker, on rollcall No. 338 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SAM JOHNSON of Texas. Mr. Speaker, on rollcall vote No. 338 I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that this be noted in the CONGRESSIONAL RECORD.

## PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, earlier today I attended the funeral of the Honorable John Stozich, former State representative and former mayor of my hometown of Findlay, Ohio.

As a result, I was absent from the House during rollcall votes on H. Res. 707, H. Res. 706, and H.R. 3980. Had I been present, I would have voted in favor of each.

## REREFERRAL OF H.R. 4668 TO COMMITTEE ON RESOURCES

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4668) to designate the third floor of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library" be rereferred to the Committee on Resources.

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

There was no objection.

## GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4574, and that I may include tabular material on the same.

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, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 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. 4754.

□ 1228

## 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, 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 rose on Wednesday, July 7, 2004, the amendment by the gentleman from Virginia (Mr. WOLF) had been disposed of, and the bill was open for amendment from page 57, line 18, through page 108, line 22.

## AMENDMENT NO. 2 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SANDERS: 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 make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I have a bipartisan amendment at the desk which is co-sponsored by the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL) and the gentleman from New York (Mr. NADLER).

This amendment, which addresses section 215 of the USA Patriot Act, is supported by citizens across the ideological spectrum, from conservative to progressive. This amendment is a narrower version of H.R. 1157, the Freedom to Read Protection Act, a bill I introduced last year and which now has 145 bipartisan cosponsors.

To date, 181 national and regional library, publishing, civil liberty and privacy groups have endorsed this legislation, including the American Library Association, the American Book Sellers Association and the NIA. In fact, book sellers are way on their way to securing 1 million signatures on a petition drive on this issue.

Mr. Chairman, as the Members of this House are well aware, in October 2001, Congress hastily passed the USA Patriot Act. This Patriot Act significantly broadened the government's investigational powers. Unfortunately, given the speed with which the Congress passed the Patriot Act, it should come as little surprise that this new law has created consequences that many Members did not intend.

Every Member of this body was appalled by the terrorist attack of 9/11, and I know that we all are going to work together to do everything we can

to protect the American people from future attacks, but I am sure that I speak for the vast majority of the Members of this body when I say that while we fight terrorism vigorously, we must do it in a way that does not undermine the basic constitutional rights of the American people, what makes us a free country.

□ 1230

That is what this amendment is all about.

Mr. Chairman, this concern about protecting constitutional rights while we fight terrorism is not an ideological issue. Again, on this point I agree with people who I often disagree with. Let me quote Republican majority leader, former leader Dick Armey, when he said, "Are we going to save ourselves from international terrorism in order to deny the fundamental liberties we protect to ourselves?"

I agree with Dick Armey. I agree with Newt Gingrich, who also voiced concerns about the USA PATRIOT Act. But also what we have are four State legislatures, including my own State of Vermont, 332 municipalities all across the country, conservative, progressive, going on record in passing resolutions expressing their concerns about this or that aspect of the PATRIOT Act.

Now, one of the areas of the PATRIOT Act that has received the most attention is section 215 as it relates to the government's ability to gain access to the files of America's libraries and bookstores. Mr. Chairman, under 215, government agents can go into a secret FISA court and get an order requiring that a library or bookstore turn over records that would tell them what innocent Americans are reading. They do this by informing the judge that they are doing an investigation on international terrorism, and having said that, a judge in the FISA court is obliged to give them a warrant to go into a library or into a bookstore so that they can determine the books that innocent Americans are reading. They do not need to have probable cause or specific information on an individual who is alleged to be a terrorist.

Mr. Chairman, just so the Members of this House understand how broad this authority is, let me quote from an October 29, 2003, declassified memo from the FBI's general counsel to all field offices. The memo expressly states that a request under section 215 "is not limited to the records of the target of a full investigation. The request must simply be sought for a full investigation. Thus, if the records relating to one person are relevant to the full investigation of another person, those records can be obtained, despite the fact that there is no open investigation of the person to whom the subject of the records pertain."

To make matters even worse, Mr. Chairman, all the proceedings are secret, so the innocent persons whose records are sought will not even know that his or her records have been seized.

Mr. Chairman, there are opponents of this amendment who are suggesting that if we pass this, the FBI and law enforcement officials will be unable to go into libraries and bookstores to track terrorists and that exempting libraries would "create a terrorist safety zone." This is absolutely not the case, not the case. This amendment does not except libraries and book sellers from searches.

The FBI will still have many legal tools at its disposal as it always has, including search warrants and criminal grand jury subpoenas to attain library and bookstore records.

Mr. Chairman, we have an opportunity today to show the American people, yes, we are going to fight terrorism vigorously; but we are going to do it while we protect the constitutional rights of our people. Conservatives, progressive, moderates agree, let us pass this amendment.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman's amendment is an attempt to roll back part of the PATRIOT Act, which should not be done on an appropriations bill with 20 minutes on each side. This is a matter that the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), ought to be holding hearings on and have an opportunity to take a look at it. The business records provision the gentleman wishes to amend sunsets at the end of 2005.

I think it is a great opportunity that the Congress has oversight on this issue, and I know that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) will be doing that aggressively, whereby the gentleman from Vermont (Mr. SANDERS) and others from both sides can come and testify; but the Committee on the Judiciary must be given an opportunity to review this policy, determine whether the gentleman's amendment is a good idea, whether it would create a potential safe haven for terrorists at libraries and address any of these issues particularly; and that is why the Congress legitimately wanted it to sunset.

Finally, and I would tell the gentlemen on both sides, OMB's Statement of Administration Policy states if any amendment that would weaken the USA PATRIOT Act were adopted and presented to the President for his signature, the bill would be vetoed.

I urge a "no" vote, and let the gentleman from Michigan (Mr. CONYERS) and let the gentleman from Wisconsin (Mr. SENSENBRENNER) really take a lot of time to bring the best constitutional authority together and look at this. That is the right way to go.

Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), who has done a great job on this issue.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his

leadership and for once again bringing this amendment before us.

Last year I believe if we had this amendment before us when we had the Otter amendment and several others relative to the PATRIOT Act, we would have had and should have had at least 309 votes for this amendment as we did the Otter amendment.

I would just like to speak to a couple of things. I know my office and several other offices have received calls regarding a veto threat on this amendment. This is the ninth such amendment that we have received a veto threat on.

Well, I would tell you that if there is that much consideration, if there is that much concern on this bill as a whole, then maybe we ought to take the bill back to committee and reconsider the bill itself rather than just the amendment.

There is no greater threat to this Nation in terms of terrorism than the drugs that are on our streets today. There is no greater threat and no greater form of terrorism against our children than the pornographers in this country, and there has been no greater threat in the past on a civil and law-abiding society than organized crime.

Yet, rather than add "domestic terrorism" to this list, we have taken domestic terrorism and elevated it above those three elements with special laws. We continue to say we are doing the same thing with domestic terrorism as we have done with pornography, as we have done with drugs and as we have done with organized crime.

Not so. Not so, Mr. Chairman, because what we have done with domestic terrorism is we have removed judicial oversight and that most important role that the judiciary plays—shining that bright constitutional light into the dark shadows of probable cause.

And so I would like to join the gentleman from Vermont. I would like to join others who are prepared to say we think that these other acts of terrorism against our children and against our civil society as a whole are no less important to fight against than domestic terrorism, and, in fact, have probably taken, no, have taken, Mr. Chairman, many more lives than were lost on 9/11.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume before I recognize the gentleman from North Carolina (Mr. COBLE), to respond.

We just received a letter from the Justice Department, and I wanted to read it for the Members.

It said, "In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'yes.'"

The letter continued: "You should know that we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this we are unable to comment."

This letter is to the gentleman from Wisconsin (Mr. SENSENBRENNER), Mr. Chairman; and I am providing it herewith for the RECORD.

DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, July 8, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and bookstores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is "Yes."

You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment.

We hope this information is useful to you and your colleagues as you consider amendments relating to the USA Patriot Act.

Sincerely,

WILLIAM E. MOSCHELLA,  
Assistant Attorney General.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, reasonable men and women can disagree, and hopefully disagree agreeably, and this is a situation where this is going to happen. I think convincing arguments can be made on each side of the issue. And I do not want to sound like I am knee-jerking responding to this, but should terrorists be able to use taxpayer-funded public library facilities to plot a major attack without fear they will be investigated by the FBI?

I think that could come to play if this amendment is, in fact, enacted. As I understand my friend from Vermont, the amendment would exempt public libraries and book stores from section 215 of the USA PATRIOT Act, which permits the FBI, after obtaining a Federal court order, and I repeat, after obtaining a Federal court order, to obtain documents and other records relevant to international terrorism and espionage cases.

Now, there has been no abuse in this matter, Mr. Chairman. On September 18 of last year, the number of times to date that the Justice Department had utilized section 215 of the USA PATRIOT Act relating to the production

of business records was declassified, and at that time it was made known that the number of times section 215 had been used as of that date was zero. So, obviously, there is no abuse here.

Furthermore, section 215, Mr. Chairman, provides for a thorough congressional oversight. Every 6 months the Attorney General is required to inform the Congress on the number of times agents have sought a court order under section 215, as well as the number of times its requests were granted, modified, or denied. No abuse at all on this. And I just believe we should vote down the amendment.

Mr. SANDERS. Mr. Chairman, I yield myself 15 seconds before I yield to the gentleman from New York (Mr. NADLER) to tell my friends that it is not accurate that under this amendment that the FBI cannot go into libraries and book stores. They sure can. They can get subpoenas. They can go to the grand jury. They can do it in the conventional way. We have no objection to that. But they cannot have a carte blanche, no probable cause to check on the reading records of the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, we have to be very careful that because of this war on the Islamic terrorists we do not destroy our own civil liberties. The PATRIOT Act was passed in great haste, and parts of it do exactly that.

The gentleman from Virginia says this amendment should not be considered without hearings by the Committee on the Judiciary and given proper consideration, but the fact is there were no hearings before we passed the PATRIOT Act. The PATRIOT Act was warm to the touch. No one read it before it passed this House. No one knew what was in it. The bill that came out of committee was not the bill considered by the House. So that is where the original flaw lies.

We should now pass this amendment not to make libraries an exempt zone. As the sponsor, the gentleman from Vermont (Mr. SANDERS), said, police will still be able to obtain records, so long as they can justify their actions based on probable cause. What is the difference if this amendment passes? The difference is between good police work and a fishing expedition.

Do we want the government rummaging through the records of average Americans without reason, or do we want to insist at the very least that searches be based on probable cause? That is the issue. That is the issue: probable cause.

The Supreme Court of the United States, the Rehnquist court, gave a rap in the teeth to the administration last week for claiming powers that no executive in an English-speaking society has claimed since before Magna Carta. We do not want tyranny. We do not want tyranny.

This amendment is designed to say you can read without being afraid the

government will someday reveal what you are reading. We do not want the chilling effect on free speech. If there is a real reason, if the government suspects someone is looking up how to make atom bombs, go to a court and get a search warrant, show probable cause. That is the way it worked for 200 years. It worked against the Nazis in World War II, it worked in the Civil War, and it will work today. We need not surrender fundamental liberty, and we should not.

That is what this amendment is about, and that is why we should urge its adoption.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

I have 70 constituents who lost their rights on September 11; and to hear this debate, I am not sure we seem to care about that. Something told me on September 11 that we had received a wake-up call from hell, and that wake-up call from hell indicated we have to detect and prevent, because the old Cold War philosophy of contain and react and mutually assured destruction went out the window.

□ 1245

On an appropriations bill, we are trying to amend the PATRIOT Act because some librarians find it offensive that we may want to go in and find out who a terrorist talks with when they use a computer, and we are going to have another amendment that basically says we need to tell them first that we think they are a terrorist.

If we are going to detect and prevent, we have to break into these cells, and the only alternative left if we see this amendment pass is that we would then have to go before a grand jury and state our case, without probable cause, I might add, but state our case when we are talking about significant national security issues. We may be talking about a chemical weapon, a nuclear weapon. We may be talking about a biological agent. We may be talking about breaking into a cell to prevent that, and yet we are going to be told now we need to go before a grand jury to do the same things we can do in ordinary criminal cases.

I am amazed beyond comprehension at the lack of recognition that it is not a question of if; it is a question of when, where, and what magnitude we are going to have to face these kinds of attacks.

And I know what is going to happen when these attacks happen. There will be Members coming back to the floor saying how come the CIA did not know? How come our intelligence community did not know? Why did they fail us again? And we are going to tie their hands behind their backs anyway and say we have to let a terrorist know first before we break into a terrorist cell.

The gentleman from Vermont (Mr. SANDERS) can throw his hands any way he wants, but the bottom line is we are at war with terrorists and we want to break into those cells and detect what is going on; and we sure as hell do not want to tell them we're coming.

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

Let me first say I am troubled by the comments of the gentleman from Connecticut (Mr. SHAYS). To tell a New Yorker, to have a New Yorker hear that we somehow do not care for the victims of September 11 is really the cheapest kind of blow a Member can put on this House floor. I care and everybody else cares.

But in the process of caring for the victims of September 11, no one said we were supposed to throw away the Constitution of this country. If in fact we were attacked, as some people would propose, because we are different, if in fact we were attacked because we are a great democracy, if in fact as some people propose we were attacked because people hate our freedom and hate our way of life, then the one thing we have to make sure in defending ourselves and getting the bad guys is we do not harm the good guys and throw away the Constitution. That would be the biggest victory for the terrorists.

I know that the gentleman from Connecticut (Mr. SHAYS) is not listening to us now, but I personally take great offense to the fact; and I am glad that the gentleman from Connecticut is now listening because I think that was a low blow. I knew people that died there. I was friends with people who died there. We all are. Everybody in this country became a New Yorker that day. That is a fact of life. From Oklahoma to Portland, Oregon to Miami, Florida, everybody became an American and a New Yorker that day; so do not mix one with the other.

The fact of life is that we are talking here about a very difficult situation. The FBI still has the right under the gentleman's amendment to look at what terrorists are reading and at what terrorists are doing. We want them to do that. We want them to do that. That is why we support the FBI's efforts. But what somebody else is reading which has nothing to do with terrorists, with an opportunity now to invade our privacy like we have never seen before in this country, that is not what this argument is about, and it should not be mixed that way. I think it is offensive to some of us who believe we can defend our country and protect our Constitution to be reminded every day that if we question this policy and if we question the PATRIOT Act, we are somehow un-American and not patriotic enough. No one should ever question us. I never question anybody's patriotism or their love for this country.

Now there is traveling around the possible threat of a veto. If our President wants to veto this bill that funds the FBI's effort against terrorism, that funds the embassy security for our men

and women who work overseas, that funds our war on drugs, that continues like in the homeland security bill, our fight on terrorism and the protection of our liberty and our system, let him veto it. Let the President explain to the American people that he vetoed it because the gentleman from Vermont (Mr. SANDERS) wanted to make one small change.

My friends, the PATRIOT Act, and I must commend the leaders of this House, they are good at taking a bill that does just the opposite and calling it something that it is not. The PATRIOT Act is everything but the PATRIOT Act. It is probably the act that takes away a lot of our abilities to continue to be patriots, but that is another issue.

This bill is what it is. The gentleman from Vermont (Mr. SANDERS) is just trying to make it better. But I think my most important point here today is we should be careful what we say and how we say it because this is not the time to divide the country; this is the time to simply unite it.

Let me conclude my comments by reminding us of what one of our Founding Fathers, Benjamin Franklin, said: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." That is our problem at the present moment.

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

I think one of the major issues, though, is this is something that should not be handled on the floor of the House in the heat of the moment with 20 minutes on each side. It is a serious issue.

Secondly, I was one of the Members who supported the 9/11 Commission. Thirty people from my congressional district died in the attack on the Pentagon. I think instinctively, no matter which side Members are on, they would want to wait until the 9/11 Commission. I know some have been critical of the 9/11 Commission. I have not. I have been supportive of it. We would want to see what the 9/11 Commission said; did they think this was a problem. I am sure that they are looking at it. We have been in contact with the 9/11 Commission on the reorganization of the FBI, so there are two issues.

We would want to wait to hear them, and we would also want to bring in the librarians, constitutional scholars, the Federal Bureau of Investigation, and others to come and review with thoughtful consideration, rather than a heated debate with 20 minutes on each side.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I rise today in opposition to this amendment. The PATRIOT Act is not designed to be a Draconian assault on our rights, despite the description some have given it. Rather, it is a necessary tool which allows for effective communication be-

tween law enforcement and intelligence agencies. Let me say that again: it is an effective communication tool between law enforcement and intelligence agencies.

Those of us who have studied what went wrong on 9/11 came up with a very dramatic conclusion which was published in a joint report put out by the House and Senate which said the problem was communication, there was a wall that needed to be taken down; and in fact the PATRIOT Act helped accomplish this, and it was a useful legislative contribution by the United States Congress as the legislative body to help fight the war on terrorism.

We have agencies that set forth every day in our country with the goal of keeping America safe. That is no small proposition these days. We have all read on the front page of the New York Times, the very New York Times the gentleman is referring to, that city we are all concerned about, the concerns about domestic attack, about right-now worries that there are things that should give us concern about our safety from terrorists, that their attention may very well be focused there. That has been reported on the front page of the New York Times.

The PATRIOT Act makes the task of dealing with these people and these threats a lot easier, and I continue to support the PATRIOT Act, and those who are working behind the scenes with our national security organizations do too.

We all know that no piece of legislation this body or any body produces is going to be perfect. We all know about unintended consequences. And so Congress has done something else. We have provided for oversight capability in case we got something wrong, and we have the capacity to investigate and correct any instances of misuse of the PATRIOT Act, just as we would in other cases where wrongdoing is alleged.

The Permanent Select Committee on Intelligence, which I am the chairman of, regularly conducts oversight, and it has proven to be effective and reliable. To that end I have frequently described the Intelligence Committee when I make public speeches, which I do frequently, as the metaphorical 1-800 number for anybody who has concerns about abuses under the PATRIOT Act or any intelligence-related activities. The number to the House Permanent Select Committee on Intelligence has been and continues to be publicly listed and available to anybody who wants to call from around the world. If you have experienced a specific problem with the PATRIOT Act, you can now call us at our toll-free number. It only costs the taxpayers. The number is 1-877-858-9040. We will be happy to receive comments and exercise our congressional right to oversight as appropriate.

If there are problems with the PATRIOT Act, fine. Let us fix them in the kind of way that the chairman has properly suggested. I think the gentleman from Virginia (Mr. WOLF) has

exactly described the right process that we should have questioning all the time whether we are getting it right, particularly in areas of our own rights; and I think debate is well warranted.

But this amendment and the half-truths which have been perpetuated against the PATRIOT Act are not the answer.

In closing, Members might be interested to know that we have not had any specific abuse complaints brought to our attention. Let me say that again: we have not had any specific abuse complaints brought to our attention. And on the contrary, we have had significant testimony that has shown utility of the PATRIOT Act. It is not unfair to say that the PATRIOT Act has been and is a vital weapon in the war on terrorism. I would say, in my judgment, that lives have been saved, terrorists have been disrupted, and our country is safer. I fully endorse the idea of oversight by Congress, I fully endorse a reporting system for any abuses, and I am happy to report I know of none, and I think I am in a position to report fairly on that. I urge opposition to the amendment.

Mr. SANDERS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the 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 rise in strong support of the Sanders amendment. Let me say that the problem of 9/11 was not with what Americans were reading in the libraries. It is what the intelligence community and the FBI were not reading from its regional offices.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I think it would be proper to rename this amendment and call it the "partial restoration of the fourth amendment," and that is our attempt here. We are doing exactly what the gentleman early on suggested: this is oversight; this is our responsibility. This is the proper place to have the debate. It was the Congress that created the PATRIOT Act; it is the responsibility of the Congress to do something about it if it was a mistake. And it, indeed, was a mistake.

I would like to think that the American people are with us entirely, and I know a large number already are with us on trying to straighten up some of the mess caused by the Patriot Act, but I would like to say that there is one basic principle that we should approach this with, something I approach all legislation with, and that is the principle of a free society is that we never have to sacrifice liberty in order to preserve it.

The whole notion that the purpose of providing freedom and liberty to this

country is that we have to give up some, I do not believe is necessary. It is never necessary to give up freedom to preserve freedom. I do think we made some serious mistakes. We made a mistake in passing the PATRIOT Act under conditions of an emergency and under the conditions of post-9/11. We did not do a very good job at Tora Bora. We failed to find the individuals responsible for 9/11 and we have not concentrated on the people who committed this crime. Instead, we have decided to invade and occupy a foreign country rather than protecting and providing security here, at home providing freedom for our people and more security for this country.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Chairman, I oppose the Sanders amendment which would make libraries and bookstores a sanctuary for terrorists. There are many misconceptions about the PATRIOT Act, but section 215 has received an unfair amount of criticism. Section 215 covers access to business records. Library records, among other types of business records, have always been accessible under this provision.

□ 1300

These records have been subject to subpoenas by grand juries for more than 30 years. For example, in 1997 a murder case in Florida allowed a grand jury to subpoena the records from the public libraries in Miami.

Section 215 actually provides more protections than the subpoena powers of grand juries. First, this provision does not apply to ordinary citizens engaging in ordinary criminal activity. In order to conduct a search of records, the FBI must have a court order.

Second, there are narrow restrictions on when such a record search may take place. It can only be used to obtain foreign intelligence information concerning a noncitizen of the United States or to obtain information relating to international terrorism or clandestine intelligence activities.

Again, this type of record search is not available in ordinary crimes or even for domestic terrorism. Library records can provide a legitimate source of information on individuals planning terrorist attacks against us. If we exempt library and book store records from foreign intelligence investigations, then terrorists will know exactly how to hide what they are doing. If this amendment passes, terrorists will know that if they use computers at taxpayer-funded public libraries, the FBI would be powerless to get records of their terrorist activities. When drug dealers or crime syndicates use these computers, these very same computers, these records have always been available to grand juries. Why not the terrorist records as well?

Mr. Chairman, finally, I would like to add that this is an issue that should be considered by the Committee on the Judiciary, not as an amendment to an appropriations bill.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, a hero of many.

Mr. CONYERS. Mr. Chairman, my congratulations to the gentleman from Vermont for bringing this forward.

Mr. Chairman, there are two ways that we can get the information from libraries, book stores, video stores, and that is through a regular criminal warrant and through a grand jury subpoena, all of which is frequently used. But doing it this way violates the fourth amendment, unreasonable searches and seizures; the fourteenth amendment, due process; the first amendment, freedom of speech; and the fifth amendment, due process.

For those who think they can call the Department of Justice's hotline and get the information, this information is classified. They will not reveal to the Committee on the Judiciary whether they have used it and how much they have used it. We know that they have through an American Civil Liberties Union lawsuit, which in the course of the suit it came out that they use it, but they will not give this information.

For those who want to suggest that the oversight by Congress will take care of the Sanders amendment, let me tell them the entire PATRIOT bill was substituted the night before it was unanimously reported from the House Committee on the Judiciary by the Department of Justice up in the Committee on Rules. So much for oversight by Congress. Support the Sanders amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the freedom to read amendment. It is imperative that we do all we can to protect our country against terrorism, but reinstating laws that allow the FBI to conduct searches on libraries with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free once again.

But under the PATRIOT Act, the use of our local library is no longer free. It can cost us our civil liberties. And in the U.S. that makes it very expensive.

We are talking about the basic right to inform oneself without the threat of the Federal Government looking over their shoulder for whatever reason it likes or analyzing their intellectual curiosity for whatever reason they want. This is a chilling thought in a country that calls itself the land of the free.

The first amendment protects our right to express ourselves. We should

not need a constitutional amendment that protects our right to inform ourselves, but section 215 of the PATRIOT Act makes us think it should be removed. I support this amendment.

Mr. Chairman, I rise in strong support of the Freedom to Read amendment.

This amendment would abolish section 215 of the PATRIOT Act. Section 215 gives the FBI unlimited power to examine our library records and book-store purchases—without providing any evidence that one is under suspicion of terrorism.

The free library is one of America's great educational and cultural traditions, and a cornerstone of our communities. But under the PATRIOT Act, use of the local library is no longer free. It can cost you your civil liberties, and in the United States of America, that makes it very expensive.

We aren't talking about flag burning here. We're talking about the basic right to inform yourself without the threat of the Federal Government looking over your shoulder for whatever reason it likes.

When you are doing research in a library or browsing the bookshelves at Barnes and Noble, you shouldn't have to think twice about how your intellectual curiosity might be analyzed in a Federal investigation. This is a chilling thought in a country that calls itself the Land of the Free.

The first amendment protects our right to express ourselves. We shouldn't need a constitutional amendment that protects our right to inform ourselves. But section 215 of the PATRIOT Act makes you wonder.

It's imperative that we do all we can to protect our country against terrorism.

Reinstating laws that allow the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free again.

Support the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time. I have high regard for the gentleman from Vermont, my good friend, and the gentleman from Idaho (Mr. OTTER), and I regret that I have to oppose their amendment. But I want to tell the Members why.

Obviously the PATRIOT Act does suspend some constitutional liberties. I am one of those people who loves the Constitution and believes we should not tamper with it. The problem that we have is that on 9/11 we had over 3,000 of our fellow Americans killed by terrorists because we did not know in advance what was going to happen. This is not the kind of situation where we can wait and say, okay, we suspect something is going on, we go get a court order from a judge and say, we think this guy is going to do something, and we go get him because in the interim he may have killed 4-, 5-, or 10,000 people. We have to nail that son of a gun before the act takes place.

So although some of our liberties have been temporarily suspended, the

FBI told us yesterday, and many of us were at that meeting, that the PATRIOT Act has been very beneficial in stopping further terrorist attacks here in the United States of America.

The PATRIOT Act expires in the year 2005, next year; so we will have a chance to review it again. It has to be renewed because it has a sunset provision because we are all concerned about the Constitution. But we are in a war against terrorism right now. We cannot wait for a terrorist attack to take place and then say, oh, my gosh, why did we not do something about it? We have to use every tool that is available to us to prevent that attack from taking place in the first place, because once it happens, then God help us all.

So the FBI and the CIA and all of our intelligence people tell us right now the PATRIOT Act is a very valuable tool in preventing further terrorist attacks on America. We should not be tinkering with it right now. Next year we can review it, but right now in a war against terrorism, we were told yesterday that we may be in attacks this summer, and we have to do everything we can to prevent it. And that means do not mess with this thing right now, even though I love my good friend from Vermont.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just rise today in strong support of this amendment and thank the sponsors, especially the gentleman from Vermont for his leadership on this issue. Last year the gentleman from Vermont (Mr. SANDERS) came to my district where hundreds came to express opposition to this provision of the very onerous legislation that we are talking about before us today. Under section 215 of the PATRIOT Act, the FBI has the power to search for any tangible things, including books, records, papers, documents, and other items, in any location after showing minimal justification. This punishes all Americans and really has nothing to do with tracking down terrorists.

This amendment would allow the FBI to follow the procedures already in current law to obtain warrants to retrieve records for terrorist-related or criminal investigations. But come on. Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists.

This amendment would restore and protect the privacy which is afforded to us by our first amendment, the rights of library and book store patrons which were in place before the USA PATRIOT Act. Those that did not know this was written in in the dark of the night, this was written in, we now know. Today we have a chance to get back the rights guaranteed by our Founding Fathers.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, eliminating these authorities, as this amendment would do, would mean that we can get library records for run-of-the-mill criminal investigations with a grand jury subpoena that does not require a court order or judicial review, and it would also mean that we would be eliminating or restricting section 215 of the PATRIOT Act, and that would preclude the government from getting the identical library records as the run-of-the-mill investigation I mentioned earlier to protect national security interests of the United States. This is at best inconsistent with regard to law enforcement.

Congress recognized this inconsistency and corrected it in the U.S. PATRIOT Act. For example, today by grand jury subpoena the government can obtain similar records, library or other business records, related to the crime of cattle rustling under Title 18 U.S.C. section 2316. But under this amendment we could not get identical records using a court order for terrorism-related information.

Section 215 of the PATRIOT Act only applies to the foreign intelligence investigations and allows only for the collection of records for an investigation to protect against international terrorism or clandestine intelligence activities. This authority requires judicial review, whereas a grand jury subpoena for cattle rustling on the criminal side does not.

By exempting library records from the business records authority under section 215 of the PATRIOT Act, this amendment creates a safe haven for terrorists to communicate and do research on the next attack that is not created for cattle rustlers.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I believe in the freedom to read, and Americans' right to read and purchase books without fear of government monitoring has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision, and we must do it today with this amendment.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Chairman, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, just a short time away from

the memorializing of the loss of over 3,000 of our brothers and sisters during 9/11, we stand on the floor to acknowledge our commitment in the war against terror and for homeland security. But not one single terrorist that perpetrated that heinous act was found in the libraries of America on 9/11. And so I rise to support this amendment on the simple premise that it reinstates legal standards for investigations of libraries and book stores which are part of the constitutional protection of the first amendment, and protections that were eliminated under the U.S. PATRIOT Act.

I simply ask my colleagues to recognize that the war on terror does not require us to drop our constitutional rights at the door of this body or the courthouse. Let us stand for the balance between democracy and security and support this amendment and defeat the unconstitutional intrusion on our rights!

□ 1315

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Sanders amendment. I voted for the PATRIOT Act, I voted for all the appropriations for the war against terror, I voted for all the intelligence appropriations, and will continue to do so. But I think we have to be careful. We have to carefully balance the war against terror with our personal freedoms.

With the passage of the PATRIOT Act, the FBI gained the unprecedented power to search libraries and book-buying records without probable cause of any crime or intent to commit a crime. Furthermore, librarians and others who are required to turn over records are barred from informing anyone that the search has occurred or that records were given to the government. This means that average Americans could have their privacy violated wholesale without justification or proper judicial oversight.

This amendment will not limit the ability of the FBI and the Department of Justice to fight terrorism. This amendment will ensure that library or bookstore records relating to an American who is not the subject of an investigation will not wind up in the government's hands without the benefit or protection of the courts.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, 9/11 was a great tragedy. An even greater tragedy is the destruction of our Bill of Rights.

The PATRIOT Act gives the government the right to search library reading lists. Our government should not care what people are reading; it should care that our people can read. Fear passed the PATRIOT Act, and fear will destroy our democracy.

When Francis Scott Key wrote that "Star Spangled Banner," he raised a

question: Does that star spangled banner yet wave, over the land of the free and the home of the brave? He made the connection between freedom and bravery, between courage and democracy.

This is a time for America to have courage. Courage, America. Freedom, America. Liberty, America. Support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Sanders-Otter amendment, which would help restore the privacy and first amendment rights of library and bookstore patrons.

On the day the PATRIOT Act passed in this body, few Americans were aware of its harmful impact. Today, I can tell you Americans and my constituents are appalled at the emasculation of our Constitution.

Section 215 granted authorities unprecedented powers to search or order a search of library and bookstore records without probable cause or the need for search warrants. This is absolutely unprecedented. Those rights to a search warrant, to probable cause, are in the United States Constitution. They were swept aside in the PATRIOT Act.

We should make the commonsense changes that this amendment makes. I urge support of the Sanders-Otter amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, with all due respect, I think we are swallowing camels and straining out gnats. We talked about the fact that you need probable cause under the PATRIOT Act. You do not need it under existing law. You can go to a grand jury under existing law and get this information, right now.

I would submit that we are not thinking straight. We are at war with terrorists. We need to respond to what we most fear: A chemical, biological, or nuclear attack. Or even a conventional weapon used in a pretty horrific way, with dirty weapons, dirty nuclear material. That is a fact. I am not inventing something. I have had 50 hearings on this.

The bottom line is, you remove this from the PATRIOT Act, and they can still do all the bad things they want. Under the PATRIOT Act, you have to go to the Justice Department, you have to go to FISA, and then you have to get a court order. I would submit it is a safer way.

The advantage is you do not have to tell a whole lot of people you are doing it. You get the records of what they are reading, what they are talking about, and then know whether we need to act more strongly.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Chairman, in the Bush-CIA-created democracy in Iraq, they just adopted martial law. The human rights minister said it is just like the American PATRIOT Act.

The Congress has tackled some unusual legislation recently. The Senate just voted to reaffirm that we actually support the Geneva Conventions, and today we are in the House debating no less than the freedoms guaranteed by the first amendment in our Constitution, freedoms that were compromised in a rush to judgment by this administration.

They did not get in martial law here yet, but they have got it in mind. They want to have the government able to reach into our lives, no matter what we are doing, no matter what you read in the library. Do not buy a ticket to "Fahrenheit 9/11" on the Internet, because they will get your Internet records. They are going to get everything about your life, and they will continue to do it until we finally wind up with martial law.

The amendment before the House would grant Americans the freedom to read books from the local library or your favorite bookstore, without the FBI looking over your shoulder.

Yes, we are here to restore one of the founding principles of this Nation. Today, we have to legislate freedom. There is a strong possibility that Republicans will vote against the amendment and kill the right for an American to read without fear of snooping by the government.

There is every reason to believe that Americans will end this day not really knowing whether the book they just checked out of the library has placed them on the FBI watch list. Who is to say what books might get you placed under surveillance by the government.

Maybe you like history and want to know about the people who led nations against us. That alone would prompt Attorney General John Ashcroft to consider you a subversive. And, you will never know.

The so-called Patriot Act has made a patsy out of the first amendment. There is a secret court that can let the government peer into your private life. They can pry, snoop, spy, intrude, watch, poke around, and access your records, your life, without your knowledge, forget about consent.

The Attorney General wants the power. He insists he must have the power to protect America from Americans, any American he deems shady. What's the threshold? Well, that's a secret and a moving target. Today, maybe John Ashcroft won't like Catcher in the Rye and consider you subversive if you check it out. Tomorrow, maybe it will be The Great Gatsby, or perhaps Germany's Secret Weapons of World War II, or The Da Vinci Code. There's no limit to what the Attorney General might consider subversive. There's no limit to the spying he can order. There's no limit on government intrusion in your life. There are, however, new limits, severe limits to what this country is all about—freedom.

Are there bad people out there? Of course there are. And there are effective laws available to the Attorney General and the FBI to

find these people. Every American does not need to be put under surveillance in order to protect America.

If you let government break into any American's private life without a rational check and balance, a cold wind will blow across this Nation and make us less free and no less vulnerable. We can fight the war on terror without declaring war on freedom. We can keep America safe and keep America free.

I urge the House to restore freedom to every American. I urge the House to pass the Freedom to Read Protection Act. If we are to remain the Land of the Free, we need to defend civil liberty as vigorously as we prosecute the war on terror.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me conclude. I am distressed by anybody in this body who suggests that any Member of this body is not going to do everything that he or she can to fight terrorism. We are all in that together. But in the process of fighting terrorism, it is imperative that this body maintain the basic constitutional rights which have made us a free country.

There is nothing in this amendment which prohibits the FBI or the government from going into libraries or bookstores as quickly as they can when they have to. This legislation that we are supporting is supported by conservatives, by moderates, by progressives, by people who are fighting hard, not only against terrorism, but fighting hard to maintain the basic freedoms which make our country the envy of the world and a free Nation. And in the fight against terrorism, we have got to keep our eyes on two prizes, the terrorists and the United States Constitution.

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

Mr. Chairman, I again rise in opposition. The debate has been good, though; and I think it is good we have had it.

Let me say, first, that the PATRIOT Act does not allow or authorize martial law. It is important we know that. It does not.

Second, in the statement the gentleman from New York (Mr. NADLER) made, it was inaccurate when he stated that grand jury subpoenas issued for business records, including library records, in ordinary criminal investigations are governed by a probable cause standard. That is not so. Rather, grand jury subpoenas in criminal investigations are governed by a standard of relevance, the same standard that applies to the issuance of court orders for the production of business records in intelligence investigations pursuant to section 215 of the PATRIOT Act.

So, really, you cannot just get down here and say this and say that, because we are moving people. People are listening back in their offices.

Third, there has been a lot of talk about legal issues here. We have not been hit since 9/11. No one has died in an attack on this country since 9/11. We know that.

We also know that al Qaeda, and frankly, Osama bin Laden lived in Sudan from 1991 to 1995 and nobody did a darn thing about it. Nobody did a thing about it. They could have picked him up several times, and they did nothing about it. But we know that Osama bin Laden and others want to bring about death and destruction and kill American citizens. We have seen the beheading of Nicholas Berg and others.

Has the PATRIOT Act helped us and our safety? I believe it has, and based on briefings that other Members on both sides have had, they do believe that it has actually helped us and kept what took place at the Pentagon, in my area, and I agree with what the gentleman from New York (Mr. SERRANO) said, up in their area, where they have deep, deep concern. We know it does and has helped.

Now, on this amendment, was Mr. Mueller, the Director of the FBI, and the gentleman from New York (Mr. SERRANO) would agree, has been asked what he thinks of this amendment? Has he been asked if this amendment hurt their efforts with regard to cutting off al Qaeda and other groups from killing United States citizens?

We see the letter that came from the Justice Department. I put it in the RECORD. It said, "You should know," this was to the gentleman from Wisconsin (Mr. SENSENBRENNER), "we have confirmed that as recently as this past winter and spring," winter and spring, two times apparently, "a member of a terrorist group closely affiliated with al Qaeda," the al Qaeda who did the 9/11, al Qaeda who did Tanzania, al Qaeda who did Nairobi, al Qaeda who did the USS *Cole*, al Qaeda who did the World Trade Center in 1993, that al Qaeda that "used Internet services provided by a public library."

Now, this says in here to the gentleman from Wisconsin (Mr. SENSENBRENNER) that in the winter and the spring somebody connected with al Qaeda used the Internet at a public library. If we can stop what took place in my area with regard to the Pentagon, then I want to stop that, because we have gone to enough funerals, and you all have gone to enough, and two of my children live in New York City, and I know how the gentleman from New York (Mr. SERRANO) and those of you feel. It says they have used it.

Lastly, will this create a safe haven? I do not know. Let us let the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the members of the Committee on the Judiciary look at it.

It comes to an end. The Congress had wisdom to bring it to a sunset in 2005. Have hearings been held? I would ask the gentleman, Have hearings been held on this issue by the Committee on the Judiciary? There have not been. I see the gentleman from Michigan (Mr. CONYERS), and I say to the gentleman

from Michigan (Mr. CONYERS), I will not be at that 2 o'clock meeting we are going to have. The hearings have not been held.

Since hearings have not been held, since the FBI has not been asked, since we have not been hit, I strongly urge Members on both sides, even though you have reservations and doubts, to vote down this amendment and allow the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) to do their work and make sure that whatever they do is appropriate and constitutional and in the best interests of this country.

Mr. Chairman. I urge members for a "no" vote.

Ms. HARMAN. Mr. Chairman, although I have expressed serious concerns about our government's ability to search library and book store records, I do not believe that the Sanders amendment is the proper vehicle for addressing this concern. I will reluctantly oppose it.

The PATRIOT Act is a flawed law. It was passed just 7 weeks after September 11, 2001, without meaningful debate about how its new, wide-ranging powers would impact civil liberties. The Act contains some important provisions, such as modernizing law enforcement tools. But it also contains some highly problematic provisions, such as those that potentially give law enforcement officials a license to go on fishing expeditions for personal information unrelated to terrorism.

I believe we must carefully review the PATRIOT Act when it comes up for reauthorization next year. Congress should decide which provisions are necessary to win the war on terrorism, and which are unnecessarily harmful to civil liberties. This process should not be done "on the fly" in the middle of an election year, before we have an opportunity to understand the Act's full ramifications.

That is why I also oppose any effort to make permanent the PATRIOT Act. We adopted this bill in a rush. We wisely included sunset provisions that kick-in after sufficient time has passed to allow us to carefully assess the effectiveness of the provisions and their impact on civil liberties. Let's not rush to make permanent any of the provisions without the careful review we initially envisioned.

The responsible course of action is to revise the PATRIOT Act after we understand how best to improve it.

Mr. OTTER. Mr. Chairman, the freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died. The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the First amendment.



That's why I support this amendment today. I fully recognize the need to provide our law enforcement officers with the tools necessary to combat terrorism and keep Americans safe. However, security bought at the price of the freedoms on which our Nation was founded is no real security at all. Certain parts of the Patriot Act, including Section 215, may have seemed understandable in the short term, but they are intolerable over time. We need to set things right before our precious constitutional rights are eroded beyond recognition.

We sacrifice something much more dear than our physical safety when we fail to be diligent in defending our freedoms. Once lost, they seldom if ever are regained. And whether the tyranny that robs me of my liberties comes from abroad or starts here at home makes no difference. It is equally unwelcome. I am just as committed to protecting Americans from their own government's excesses as from the violence of foreign extremists.

The degree to which that commitment has captured America's imagination and has found growing support here among my colleagues is one of the most gratifying experiences in my public life. A vote for this amendment is a vote to restore Americans' confidence in the ability of Congress to protect the freedoms they hold dear.

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

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

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

Mr. SANDERS. 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 Vermont (Mr. SANDERS) will be postponed.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Michigan (Mr. SMITH) addresses a portion of the bill that has been passed in the reading. Does the gentleman ask for unanimous consent for its consideration at this point in the reading?

Mr. SMITH of Michigan. Mr. Chairman, I do.

The CHAIRMAN. Is there objection to its consideration at this point in the reading?

Mr. SERRANO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

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

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

□ 1330

Mr. SMITH of Michigan. This amendment would take money from the United Nations and would put that \$20 million in NIST, the National Institute of Standards and Technology, at a level

that was recommended by the President.

I am offering this amendment, taking money from the United Nations appropriations, international organizations and, because I am concerned about the additional money that the United Nations has taken and has in their possession from the Oil-for-Food program.

I think this Congress should be very concerned about what has happened in the Oil-for-Food program. This particular line item appropriation was increased 19.4 percent above last year, even though there are reports that the U.N. kept \$100 million of the Oil-for-Food money to pay for its own operating expenses. This money was intended to rebuild Iraq, but instead the American taxpayer is currently paying the tab.

Also, the U.N. collected .8 percent of the Oil-for-Food transactions to pay for weapons inspections, but between 1999 and 2002, the U.N. collected \$400 million for weapons inspection, even though no inspections took place.

So that is where the \$20 million would come from. It goes to increase the appropriation up to the President's request for the National Institute of Standards and Technology, NIST.

You know, it is a simple amendment that I think is fair, that I would hope would be in order so that this body could consider how far we wanted to go increasing some of the appropriations to the United Nations, again by 19.4 percent at a time when it is reported that they have, in effect, confiscated \$400 million for weapons inspections that they did not make; at a time when they have taken another \$100 million off according to an article in the Wall Street Journal, to pay for their own administrative expenses.

I think it is reasonable and appropriate that we send a signal to the United Nations that we are not going to have this dramatic 19.4 percent increase in those kind of appropriations, at a time when the United Nations has issued orders apparently to not release the background of the Oil-for-Food program, when countries that were involved in the Oil-for-Food program such as Russia, such as France, such as some of the other countries that now have instructed their people not to release the information so that we can appropriately investigate what happened in the misuse of that Oil-for-Food program funds.

Recently, both my Agriculture and International Relations Committees held hearings on the United Nations' Oil-for-Food (OFF) program scandal. That program taught us a lot about the United Nations' (UN) weaknesses and explain the actions of countries like France and Russia when they worked against us last year.

The UN placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for a developing humanitarian crisis in Iraq. The United States and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medi-

cine. We pushed for UN Security Council Resolution 986, and the OFF program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated OFF and the UN didn't stop it. He managed to get his hands on at least \$10 billion of OFF money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design OFF. It allowed Hussein to pick the price for his oil, to pick his customers, and to control the people who audited him. Within a few years, the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts. This was suspected at the time, but it was impossible to fix it. Fixing it would have required unanimous support of the Permanent Members of the Security Council, including France and Russia. At the time, these countries said that they wanted to end the sanctions completely. France, Russia, and China all had oil contracts with Iraq that would have been activated, resulting in huge benefits for these countries had the sanctions been removed.

At the same time, UN bureaucrats in Iraq were slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee. Furthermore, Iraq paid its UN auditors. The more trading they allowed, the more money the UN got. These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the UN's head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

The United States and Britain have pushed for an audit to find out what happened. Paul Volcker, a former Chairman of the Federal Reserve, is heading a UN investigation. However, the UN is stonewalling. Sevan sent letters ordering UN offices to refuse to cooperate. Russia has asserted that it will not release any documents. And other UN bureaucrats have refused to share papers. I have sponsored legislation that would cut U.S. support for the UN if it doesn't cooperate.

The real story here is that many countries make decisions based solely on what is good for their country, with no regard for the goals and ideals of the UN Charter. Certainly, this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events. Is it any wonder that, under pressure from these countries, UN could not agree to support us in Iraq? And is it any wonder that at the first threat of danger, the UN pulled out? We need to carry out a full and thorough investigation and make changes if the United States is to continue with some degree of confidence.

And with that, Mr. Speaker, we can proceed to the point of order. I would hope that inasmuch as this amendment was included in the unanimous consent to be allowed to be considered, that we would allow my amendment to be considered.

Mr. Chairman, I would like to question the ruling of the chair on whether or not the amendment has been passed.

The CHAIRMAN. The unanimous consent request to consider the amendment at this point was objected to. The amendment is not pending.

## PARLIAMENTARY INQUIRY

Mr. SMITH of Michigan. May I have a parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Michigan. Mr. Chairman, I refer to the unanimous consent request that was made last night asking unanimous consent that during further consideration of this bill, H.R. 4754, that the following amendments be allowed to be offered, and my amendment is included in that list.

The CHAIRMAN. That order of the House of yesterday did not waive the requirement that the amendment come at the appropriate place in the reading.

Mr. SMITH of Michigan. Mr. Chairman, I am not questioning the points of order against the amendment. I am questioning the ruling of the Chair that this amendment cannot be offered at this time.

The CHAIRMAN. The portion of the bill addresssed by the gentleman's amendment has already been passed in the reading. Therefore, the gentleman would need unanimous consent to return to that portion of the bill without which, the amendment would be subject to a point of order..

Mr. SMITH of Michigan. And I guess, Mr. Chairman, reluctantly I will accept the ruling of the Chair.

## AMENDMENT NO. 20 OFFERED BY MR. AKIN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

## Amendment No. 20 offered by Mr. AKIN:

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 used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7631(e) and (f)).

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 10 minutes.

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

About a year or so ago we passed the \$15 billion AIDS package, and we did so because we believed in the principles of prevention coupled with treatment.

Now, the amendment that I am offering here today is to make a crystal-clear understanding that the intention of the United States Congress and the American people is in regard to the distribution of this money.

The amendment simply codifies existing law by ensuring that no taxpayer funds designated for this bill, which

has to do with tuberculosis, malaria, as well as AIDS, may be used to promote or advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy that is explicitly opposing prostitution and sex trafficking.

We have received word that there are groups who actively promote prostitution on their Web site, that they have received U.S. tax dollars in the past, and that is why this language is important and why it must be enforced.

If we subsidize any organization, we unavoidably enrich and empower all of the activities of that particular organization, and clearly it is not in the interest of our foreign policy to enrich or empower organizations that refuse to denounce prostitution and sex trafficking.

Now, I probably should make this point very clear that, first of all, my amendment applies only to the \$15 billion of AIDS money, and also, that this amendment in no way prevents the distribution of condoms or medications to prostitutes or women sold into the sex trade. It simply mandates that the organization distributing these items must have a statement opposing prostitution and sex trafficking. In fact, in paragraph (e) of the law, it says, "Nothing in the preceding sentence shall be construed to preclude the provision to individuals of," and it goes on to the different types of medical care.

Mr. Chairman, when the United States sends tax dollars to treat and prevent AIDS in Africa, we are telling women that we are interested in their well-being, and we must never confuse that message by financially supporting organizations that actually promote prostitution and sex trafficking.

Now, this may be a little bit theoretical; sometimes we deal with statistics in this Chamber. But in my own experience, traveling to India, to Mumbai, we had a tour of the red light district, and we saw the people that were victims of the sex traffic trade. In fact, we saw their children, about two dozen of them. And one of the things that we were told is that when those children come, first of all, to this house where they can be finally treated decently, and they are told that they have a bed, when it comes nighttime, they crawl underneath the bed. They crawl under the bed because that is where their mother trained them to stay while she was making her living in the evenings.

So we do not want to have any way that any of our policies could be construed with United States money for in any way endorsing or supporting any organization that is not explicitly willing to denounce the trafficking and the misuse of women and children in the sex trade.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, just for 30 seconds. This is a good amendment,

and I strongly, strongly support it. I want to thank the gentleman from Missouri for offering it.

The exploitation of women is very common, and, unfortunately, a growing, growing problem. I appreciate the leadership of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. PITTS) and others on this issue.

So I strongly support the amendment.

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

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

To be honest, there is some confusion around here as to where this amendment is going. I know that the chairman already said it is a good amendment, and I understand my colleague said he would accept the amendment. But we are just trying to figure out if, indeed, this amendment should be on this bill at all, or if it should be in the foreign operations bill.

I would like to ask the chairman that question, if he feels this belongs here, or if he feels it belongs in the foreign operations bill. And secondly, if he understands, as I do, that this bill really speaks not to one section of our bill I guess, but to all sections, that if someone does not have a written policy, a policy, by the way, that no one is against in this House or should be against, that this would go into effect. In other words, this would not be the first time that there is some confusion on an amendment, and that is what we are trying to say.

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

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

Mr. WOLF. Mr. Chairman, we have been led to believe that only, as the gentleman said, applies to the section that he made clear earlier, only to that section dealing with HIV/AIDS. I personally, though, would make it apply to everything, because of the thought of the exploitation to women. But unfortunately, it just applies to that one very narrow section.

I think it is appropriate on this bill, because we have extensive funding in this bill with regards to sexual trafficking. But unfortunately, it does just cover that narrow section with regard to HIV/AIDS.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the amendment extends the prohibition against all funds in this bill to assist any group or organization that does not have an explicit policy against prostitution or sex trafficking; again, something we are all in favor of getting rid of.

The bill funds the Justice Department, the Commerce Department, and the Judiciary. The question is why should we refuse to help a small manufacturing firm that seeks MEP assistance, for instance, because they do not have a written policy against prostitution? Why should we encumber COPS

funds to local police departments or tell the courts they cannot pay a court reporting organization that does not explicitly prohibit prostitution? What effect does this amendment have on scientific grants from NIST and contracts from NOAA?

There are some who will question the motives of the opponents of this amendment and suggest that we do not fight strongly enough against prostitution and sex trafficking. I am just concerned that this will cast aspersions on us because we think this is an overbroad amendment with unintended consequences. I just wish, Mr. Chairman, that we would really take a closer look here in consultation with the sponsor, because this, I think, accomplishes or does much more than we think it does.

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

Mr. AKIN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the Akin amendment which affirms, reaffirms existing U.S. policy of two of the most heinous practices known to humankind: sex trafficking and prostitution.

It should be very clear that the Akin amendment reiterates that funding in this bill cannot be used to circumvent provisions already existing in law, Public Law 108-225. As with the existing law, the Akin amendment states that no taxpayer funds designated for HIV/AIDS prevention may be used to promote or to advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy explicitly opposing prostitution or sex trafficking.

As the author of both the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003, I believe that the U.S. should do everything in its power to combat and to eliminate human trafficking in prostitution.

Those who advocate the legalization of prostitution, I believe, are doing a grave disservice to women and demeaning their dignity.

□ 1345

Individuals and groups seeking to receive U.S. assistance to fight AIDS who believe that the legalization of prostitution or they turn a blind eye to prostitution are part of the problem. They are not part of the solution.

Mr. Chairman, the horrors of sex trafficking, which is indeed modern-day slavery, and the ugliness of prostitution cannot be understated. The recently released "Trafficking in Persons Report," which was done pursuant to our Act, has pointed out that some 600,000 to 800,000 people are trafficked every year across borders. I urge a "yes" vote for the Akin amendment.

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

I would just make my last appeal to the gentleman. I think this may be an issue that people want to discuss; but it is certainly, from everything we can gather, not intended to be part of this bill. Secondly, it leaves incredible questions open. As I said before, anyone seeking a grant under this bill, this bill has many areas where you can, in fact, seek funding to do medical research, to do all kind of research, to contract with the government; and this is so open that nowhere else I think in our government do we say that you must first sign a document committing yourself to something before you can even be involved in receiving Federal dollars.

There are laws that cover behavior, yes, that is true, fair housing, discrimination and so on. But this one, my God, there are people who have not even looked at this issue. And to suggest that if they do not have it down in writing, they have a policy that they have to present this policy, they cannot engage in research or engage in building or something else, it is totally out of left field to me. I really think this is overreaching. This is too broad, and I was really hoping that the chairman would see it that way and oppose it for the time being. I hope we could reconsider it.

Ms. LEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from Missouri, Mr. AKIN.

Not only is this amendment redundant and unnecessary, because the existing language is already contained in last year's Global HIV/AIDS bill, but this amendment is also an extension of a bad piece of public health policy.

Mr. Chairman, of course we don't support the legalization of either of these practices, and we would never allow the taxpayers money to be used to advocate or support for their legalization.

But to deny funding to an organization, any organization mind you, because it doesn't have a specific policy that is opposed to either of these practices is counterproductive to achieving our long term goals of reducing the spread of the disease, and treating those already infected.

How can an organization that is seeking to mitigate the risk of infection for sex workers reach out to these women when we require them to have an affirmative policy in place that would turn these very women away from receiving education and treatment for HIV/AIDS?

It's not like the women who get involved in the sex trade are doing it as a matter of choice. They are doing it to survive. They are forced to sell their bodies to put food on the table for themselves and their families. For them, it is survival sex.

Last year I traveled to Zambia on a Congressional Delegation, where I had the opportunity to meet some of these women at Chirundu, one of the border crossings into Zimbabwe.

I can tell you, the women who live in the surrounding community at Chirundu are economically destitute with no employment opportunities, they are forced into the commercial sex industry to survive.

What incentive will such a woman have to learn about how to protect herself from con-

tracting HIV, or how to avoid spreading it, if every organization she turns to rejects the very basis of her situation, of her existence? How can she trust an organization that believes that prostitution is a choice for her?

Just take a look at the case of Thailand. On Sunday the 15th International AIDS Conference will take place there, and I think we should take a look at how Thailand confronted its own HIV epidemic among its sex workers.

The government wasn't saying one thing and doing another by proclaiming its opposition to the commercial sex industry.

It was actively trying to reach out to sex workers and to make it easy for them to come into a health clinic, get information about HIV/AIDS, get access to condoms, and mitigate their risk of getting, or further spreading the disease.

Like the case in Thailand, we should be reaching out to these women, not turning them away. We should also be helping them to get an education, start a business, and hold down a job.

The amendment we passed last year was a flawed piece of public policy, and by extending this policy, this amendment we are considering today is equally flawed.

I urge my colleagues to oppose it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

AMENDMENT NO. 4 OFFERED BY MR. OTTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OTTER:  
Insert before the short title at the end the following:

TITLE VIII—NOTICE OF SEARCH  
WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to seven calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

“(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

“(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

“(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

“(B) the total number of such requests granted or denied; and

“(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.”.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Idaho (Mr. OTTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

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

Mr. Chairman, earlier today on another amendment, we heard the distinguished chairman of the subcommittee mention that we should leave the PATRIOT Act and my amendments there up to the gentleman from Wisconsin (Mr. SENSENBRENNER) and up to the gentleman from Michigan (Mr. CONYERS).

Mr. Chairman, we did not leave the PATRIOT Act up to the Committee on the Judiciary, up to the gentleman from Michigan (Mr. CONYERS) and up to the gentleman from Wisconsin (Mr. SENSENBRENNER), as was discussed and has never been refuted. This PATRIOT Act that we have been having to deal with for the last 3 years was snuck in at the very last minute.

So the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), who the chairman now wants to turn over the jurisdiction for the PATRIOT Act, never got a chance to take a final look at the actual PATRIOT Act itself.

Mr. Chairman, I rise today to discuss an amendment that, I believe, renews an important balance between protecting our liberties and protecting our Nation. I understand that the language is subject to a point of order, and I am prepared to deal with that. However, this issue drives to the core of who we are, or who I hope we are as Americans. And I believe it is important to address today.

The fourth amendment which protects us from unreasonable searches and seizures by government came from a firsthand experience of our Founding Fathers. Then King George III called it what it really was, writs of assistance, and before that it was also mentioned in the Magna Carta.

So what we have done with the PATRIOT Act and sneak-and-peek provisions of search warrants has destroyed many, many years of efforts by freedom fighters throughout the decades. This idea of individuality, that each

person is created unique, is something unique to the United States and cannot and should not be taken away, especially not by its own government. If we cannot trust our own government to not make war on its own people, how can we trust this same government to make war with our enemies? That is why I am so concerned about the way we have expanded the power of government to do sneak-and-peek searches. The issue at hand is not when or where or how often these warrants may be executed or may be used; the fact that government has the power at all should be something of great concern to all of us.

I do not doubt that the provisions of the PATRIOT Act that address sneak-and-peek were well intended. It is important to know that we are safe and secure within the borders of this country. Mr. Chairman, we cannot, we will not be safe in this country unless we are secure under the fourth amendment to the privacy of our own person and our own property.

I understand that the sneak-and-peek warrants were used before the passage of the PATRIOT Act. We discussed that earlier. There were certain provisions which the authorities had to go through before they could simply waltz into somebody's home. By broadening the use of the sneak-and-peek warrants and making them the standard rather than the exception, the PATRIOT act threatens our liberties that were given us by our Creator and are now protected by the Constitution. That is why I am offering this amendment today.

As Americans, I believe our fundamental belief that each of us is ultimately responsible for safeguarding ourselves. It is our obligation and our duty as citizens to this great Nation to see to it that we are secure in our own liberties, and it is our responsibility first and then the government's.

We would be justifiably enraged if some individual or a group acted to destroy our Constitution, all at once to wipe away in one terrible moment the centuries of struggle and countless lives sacrificed to winning the liberties we hold so dear.

It is equally important that we jealously guard against allowing our freedoms to be chipped away piece by piece before our eyes, that we do all we can to hold back those small, but insignificant, strokes of tyrannical erosion which can in time fell even the greatest of our institutions, the Declaration of Independence and the Constitution of the United States.

I am not the first to have these concerns. Those before me have said it more eloquently than I. James Madison recognized the importance of guarding our individual liberties with constant vigilance when he said: “Since the general civilization of mankind, I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.”

Ben Franklin was already quoted today. And Thomas Jefferson, cautioning us against relinquishing our inalienable rights to even a well-meaning government said: “A freedom government is founded in jealousy, not confidence. It is jealousy and not confidence which prescribes limited constitutions to bind those we are obliged to trust with power. So in questions of political power, speak to me not of confidence in men, but bind them down from mischief with the chains of the Constitution.”

Mr. Chairman, this is the deepest root in our tree of liberty and that is the rights of individuals to be free to exercise under the fourth amendment and to be secure in their own homes and their own privacy. A vote for the people and not the government is a vote for this amendment.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Idaho, of which I am a co-sponsor.

The Fourth Amendment provides that “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The Fourth Amendment's protections against unreasonable searches and seizures are put into practice, in part, by the Federal Rules of Criminal Procedure. Rule 41 specifically requires the government to obtain a warrant before a search is conducted. It also requires that the government give notice to a person whose property was seized during a search, or from whose premises property was seized. And the Supreme Court has traditionally held that an officer must knock and announce his presence before serving a search warrant, absent exigent circumstances such as reasonable belief such notice would jeopardize life or limb, or result in destruction of evidence or escape of the person named in the warrant. Moreover, while delayed notice for searches of oral and wire communications are authorized by law under certain conditions, as a general rule, covert physical searches for physical evidence were not permitted prior to the PATRIOT Act.

The notice requirement enables the person whose property is to be searched to assert his or her Fourth Amendment rights by pointing out irregularities such as the police have the wrong address, or ensuring that only those areas specified are searched, if the area to be searched is a room in a house, that does not include the car in the garage.

The so called “sneak and peek” secret search warrant provision allows law enforcement to conduct a secret search on a person's

premises or computer without notice. If they get the wrong house or business and it happens to be yours, you may never know about it. Or if the search is conducted improperly, but nothing incriminating is found, you may never know about it. Sneak and peek warrants provide no sanction for failure to notify the subject of the search or for unlawful activity if nobody is aware of it and if no incriminating evidence is found. Law enforcement personnel will need to validate a search only when property is seized and then delayed notice must be given. Meanwhile, the notice can be weeks or even months after the fact. And in that time period, several searches may have been conducted without any results or continuing justification.

Moreover, this gives law enforcement officials access to someone's personal property and information without the person's knowledge. Law enforcement personnel can search through your drawers, go through your files including medical and financial records, read your diaries, and surf through computer websites you have visited, just to name a few invasive practices. The person conducting the search will have access to very private, very personal, information about you and your family, without your knowledge. And what if the government agent conducting the search happens to be your neighbor or someone you see at the store or at a PTA meeting? Without your knowledge, that person has continuing access to—and knows the most intimate of details about—your life. This level of privacy invasion is unjustifiable.

Preventing terrorism has become a more urgent and necessary goal of law enforcement since the 9/11 tragedies. Yet, we don't want to accomplish for the terrorists something they could not accomplish themselves—reducing the rights, freedoms, and protections our system provides us all. The Otter amendment finds a working middle-ground that will satisfy our country's need for heightened security while at the same time ensuring that our freedoms and protections remain intact. The amendment limits the reasons for sneak and peek warrants to three specific circumstances, when notice would cause either the life or physical safety of a person to be put in danger, flight from prosecution, or the destruction of evidence. It also includes a seven-day time limit for the delayed notice. This time limit creates a pattern of uniformity for those involved in law enforcement and is a reasonable period by which to inform the person subject to the warrant of the clandestine search. In the case where a court finds that notice of the warrant within the seven-day period will lead to one of the three enunciated circumstances, the amendment authorizes unlimited additional seven-day delays. This amendment encourages use of these warrants in appropriate circumstances, will prevent misuse of the practice, and ensures the protection of our civil liberties.

Encouraging the judiciary to issue sneak and peek warrants without offering any meaningful guidance on their use will end in disaster. This amendment is unequivocally American. It recognizes the need to protect our country and our selves. It gives meaning to Section 213 of the PATRIOT Act within the parameters of our democracy so that it can be an effective tool rather than a wasted provision.

Mr. Chairman, safeguarding the rights guaranteed to us by the Constitution is not a par-

tisan issue. I ask my colleagues to join me in support of this essential legislation to protect the rights of all Americans.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's strong feelings and he makes a very powerful case, and I can see how passionate he is about it. I think this is one of those cases that ought to be done by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENBRENNER).

As a result of that, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law constituting legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment directly amends existing law. I ask for a ruling from the Chair. I am certain that this will be an issue that will be discussed quite deeply by the committee.

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

Mr. OTTER. Mr. Chairman, I fully appreciate what the good chairman has said relative to my amendment and its being out of order.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. KING of Iowa:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), \$1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by \$1,000,000.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Chairman, I offer this amendment today to enforce

existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities.

My amendment would provide funding for the Department of Justice to enforce section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Section 642 of the act forbids localities from preventing their police officers from reporting immigration information to the Federal Government. However, some cities and counties have continued to refuse to allow their officers to provide information to the Federal Government, and that is in violation of Federal law.

Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called "sanctuary policies" in certain cities and counties, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation. As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the street.

These sanctuary policies have disastrous consequence for future victims. Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United Nations as soon as their first crimes were discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 462 by the Department of Justice.

The Subcommittee on Immigration, Border Security and Claims held an oversight hearing on the public safety consequences of local immigration sanctuary policies on February 27, 2003. But despite that February 2003 hearing, sanctuary policies remain in place with disastrous consequences. Less than 4 months after that hearing in June of 2003, a 9-year-old girl was dragged from her San Jose home in broad daylight and was kidnapped, tortured, and raped over 3 days before finally being released by her assailant.

According to press reports, the man arrested and charged with nine felony counts related to the terrifying abduction and sexual assault was an illegal alien who had already admitted a crime. Originally, the suspect was arraigned under the name Enrique Sosa Alvarez, but a fingerprint check identified him as David Montiel Cruz. Under the name Cruz, this man was previously convicted of auto theft. According to the San Jose Police Department's policy, section L7911 of the Line and Operations Procedure, officers may not "initiate police action when the primary objective is directed towards discovering the alien status of a person."

Because the officer who investigated the previous auto theft could not ask about Mr. Cruz's immigration status, his hands were tied and he could not verify with the Federal Government

whether Mr. Cruz was allowed in the United States. We will never know if this crime against this 9-year-old girl could have been prevented if Federal law were enforced.

My amendment would fund enforcement of section 642. This section does not require local authorities to report all immigration information they would uncover to the Federal immigration authorities, but rather it simply prohibits local authorities from having a blanket policy to refuse to communicate this information with the Federal Government.

This is essential because in the example I just spoke of, the accused kidnapper and rapist never should have been in this country in the first place. We must not allow illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes. We must not provide sanctuary to criminals.

I look forward to working with the gentleman from Virginia (Mr. WOLF), and I appreciate his work on this entire bill and other Members to encourage the Department of Justice to enforce the Federal law which prohibits localities from having sanctuary policies.

I urge support for my amendment which funds enforcement of section 642.

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

□ 1400

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

I support what the gentleman is trying to do, but what agency would get the money?

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

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

Mr. KING of Iowa. Mr. Chairman, the agency that this amendment transfers to is the Department of Justice.

Mr. WOLF. But this law is not enforced by the Department of Justice. This law is enforced by Department of Homeland Security.

I rise in opposition to the gentleman's amendment. The gentleman's amendment provides \$1 million to enforce two sections of the Illegal Immigration Reform and Immigrant Responsibility Act. However, the amendment does not specify what agency would receive this funding.

Secondly, what agency would get this funding and be tasked with enforcing these immigration provisions? Enforcement of this section of the immigration law is the responsibility of the Department of Homeland Security. The Homeland Security Act specifically changed the responsibility from the Attorney General to the Department of Homeland Security. No agency funded in this bill has that responsibility. The

gentleman should have done the amendment on the right bill as the other Members sought to do. So it just does not fit.

Now, I would say, and I have offered the gentleman a number of times and I will do it again, that I think either the gentleman is trying to get something out to get a vote to see what happens, or he is trying to get it done. I would rather get it done, and I know that it is a problem. That is a problem even in my region and other regions.

The way to do it is to bring the administration up, to bring the Justice Department up, bring the Department of Homeland Security up, and sit down and have them resolve the issue, and honey gets people more than a stick, and particularly this agency that the gentleman is amending the bill for the Justice Department is not the agency to enforce it.

I will be glad to set up the meetings and see what we can do to resolve this. Because of this reason, I oppose the amendment.

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

The CHAIRMAN. The gentleman from Iowa (Mr. KING) yielded back his time. Is the gentleman asking unanimous consent to reclaim his 30 seconds he yielded back?

Mr. KING of Iowa. I do.

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

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized for 30 seconds.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would just point out that the Attorney General enforces the laws of the United States, and enforcement of this section would be under the Department of Justice and Attorney General.

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

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

It almost gets tiresome to deal with the fact that this amendment keeps coming up every so often, and it just looks different, or it attempts to sound different, but it is the same amendment. And we have to understand that, but we need to explain it over and over again.

What these amendments try to do, and the King amendment is part of this approach, is to engage local law enforcement, local police departments, local sheriffs departments in enforcing immigration law. On its face that does not sound terrible, but in reality it is a major problem. That is the reason why just about every single local police department in the Nation has repeatedly stated that they do not want to take on the duties of enforcing immigration law.

Here is the problem. Whether you are here undocumented, or whether you are here legally awaiting citizenship or another status, and, in fact, I would

venture to say if you are a citizen who looked at the immigration department as a group of folks who were not interested necessarily in helping you but making your life difficult, you do not feel comfortable dealing with immigration officials.

On the other hand, local police departments throughout this country have done a great job in letting immigrants, regardless of their status, know that they are here to help and they are here to work together with them. So what the local police departments have been able to accomplish above all is to gain the confidence of newly-arrived folks in this country so that when they see a crime, when they see someone committing a crime, they come forth, give information, participate and assist the police.

The reason local law enforcement does not want any of these amendments to pass or their involvement in enforcing immigration law, which would be the effect of this, is that they then would be seen by those immigrants as someone that cannot be trusted, someone they cannot deal with, and they will lose their ability to do what they do best, which is solve local crime and get the bad folks who create problems in our communities.

So, please, I would want everyone who looks at this series of amendments to pay attention to the fact that while it may look good on its face, the final result is local law enforcement officials being seen by the immigrant community as adversaries, as enemies in some cases. This is not what the police departments want to do. This is not what they should do, and this is not what we should ask them to do.

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

We are opposed to the amendment. I want to put in the RECORD that we will be glad to work with the gentleman and bring the Department of Homeland Security and the Department of Justice up and see if we can try to do what this amendment does not do, but we can really try to accomplish what they are trying to accomplish.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Representative King's amendment to the Commerce Justice, and State Appropriations Act for FY2005. This is an indirect attempt to further the objectives of the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills would compel State and local police officers to become federal immigration agents by denying them access to Federal funds they are already receiving if they refuse to become immigration agents.

Subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1373, (IIRIA) prohibits Federal, State or local government officials from preventing or restricting any government entity from exchanging information with the Bureau of Immigration and Customs Enforcement (ICE) regarding the citizenship status or immigration status of any individual. The King amendment would provide additional funds for enforcing these provisions.

While these provisions just prohibit State and local governments from preventing this exchange of information, the ultimate objective, which is expressed in the CLEAR Act, is to require State and local police officers to assist ICE in enforcing the civil provisions of the Immigration and Nationality Act (INA). I oppose this objective.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, North Carolina, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to ICE would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. SMITH of Texas. Mr. Chairman, I support the King Amendment, which would designate funds to enforce a section of the United States Code that has been law since 1996.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, prohibits states and localities from refusing to share information with the Federal government on the immigration status of individuals.

Some localities don't allow their officers to report the illegal status of criminal aliens to the Federal government. This is a direct violation of Federal law and hinders our efforts to remove criminal immigrants from the United States. It turns these localities into resorts for illegal immigrants.

The Federal government cannot do its job of deporting criminal aliens if law enforcement is not telling the Federal government who these individuals are. This results in a situation where criminal aliens are arrested, jailed, and then released into our communities where they commit more crimes.

When State and local law enforcement officers arrest someone for a crime, and it becomes apparent that the person is an illegal alien, this should be reported to the Federal

government so the individual can be deported. To hide the illegal status of a criminal alien only means more crime.

This amendment does nothing to change existing immigration law. This amendment simply requires the Federal government to enforce current law.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. 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. SMITH of Michigan:

Page 72, line 17, after the dollar amount insert "(reduced by \$20,000,000)".

The CHAIRMAN. All point of orders are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

This amendment is offered partially representing my concern that under the UC that was offered last night, this body would not allow the full amendment. However, under that UC this amendment is appropriate, according to the Parliamentarian.

My concern is that this body should express concern, if not outrage, about the actions of the United Nations in the Oil-for-Food program. It should be a heads-up, a reminder, that we cannot ask the United Nations to be responsible for so many things that affect our future.

The particular language of this amendment takes appropriations and dollars from United Nations contributions to international organizations line item. This appropriation is reduced by \$20 million. I would call to my colleagues' attention that this appropriation is increased 19.4 percent over last year. Even with this amendment, there is still a 17.4 percent increase.

Recently, both my Committee on Agriculture and Committee on International Relations held hearings on the United Nations Oil-for-Food, the so-called OFF program, scandal. That program taught us a lot about the United Nations' weaknesses and I think explains the actions of countries like France and Russia when they worked against us over the last several years.

The U.N. placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for the developing humanitarian crisis in Iraq.

The U.S. and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medicine. We pushed the U.N. Security Council Resolution 986, and the so-called Oil-for-Food program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated the OFF program, and the U.N. did not stop it. He managed to get his hands on at least \$10 billion of Oil-for-Food money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design the OFF, the Oil-for-Food, program. It allowed Hussein to pick the price for his oil, to pick his customers, to control the people who audited him, and within a few years the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts.

This was suspected at the time, but it was impossible to fix. Fixing it would have required unanimous support from the permanent members of the Security Council, including France and Russia, and at the time these countries said that they wanted to end the sanctions completely. Of course, France and Russia and China all had oil contracts with Iraq and Hussein that would have been activated, resulting in huge benefits for those countries had the sanctions been removed.

I repeat, this funding for this appropriation that we are trying to reduce by \$20 million is from a line item that is increased 19.4 percent over last year, and even with the \$20 million reduction still results in a 17.4 percent increase.

The U.N. bureaucrats and what is happening in the U.N. should concern us. There is no question that the U.N. was slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee.

Furthermore, Iraq paid its U.N. auditors. Iraq, Saddam Hussein, was paying the auditors that were supposed to audit them, and the more trading they allowed, the more money the U.N. got.

These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the U.N.'s head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

Mr. Chairman, let us not go through this bill of making these kinds of huge appropriations from the United States taxpayers to the U.N. without calling to attention these kinds of discrepancies. The U.S. and Britain have pushed for an audit to find out what happened.

Paul Volcker, a former Chairman of the Federal Reserve, is heading a U.N.

investigation. However, the U.N. is stonewalling. Mr. Sevan sent letters ordering U.N. offices to refuse to cooperate. I am going to say that again. This U.N. official sent letters ordering the U.N. offices to refuse to cooperate. Russia has asserted that it will not release any documents, and other U.N. bureaucrats have refused to share papers.

I have sponsored legislation that would cut U.S. support for the U.N. if it does not cooperate. I would hope that bill would at least come to this floor for debate.

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

The CHAIRMAN. The Chair would clarify that pursuant to the order of yesterday, this amendment is debatable for 10 minutes by the gentleman from Michigan (Mr. SMITH) and 10 minutes by an opponent.

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

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

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

I rise in strong opposition to the amendment. I want to congratulate the gentleman from Michigan (Mr. SMITH) for his persistence. He should get an "A" for that, if not for the content.

I called Volcker after this happened, and I have the same concern. I want to bring to the gentleman's attention, and the gentleman from Michigan (Mr. SMITH) might get a copy of the report, page 107. Here is what we said.

"The Committee directs the Department to bring all necessary resources to bear on the investigation of fraud and bribery allegations regarding the United Nations Oil-for-Food program. The Committee expects the Department to provide all requested documentation to Congressional Committees, and to provide any requested support to the Secretary General's Independent Inquiry Committee. The Committee strongly supports this Inquiry and expects the Inquiry Committee's review to be thorough, rigorous and expeditious."

Secondly, the gentleman from Connecticut (Mr. SHAYS), who has really done a good job, has been holding hearings.

I called Director Mueller, the Director of the FBI, and asked him would he give the best FBI agents that he has to be on the team with Volcker. He has agreed. He said he would get some of his best white-collar crime people. Mr. Volcker then called me and thanked me for that and is moving ahead, and he said when we need your help, we will ask you for that help.

We also are going to get FinCEN, the financial service center of the Department of the Treasury, to also be involved. We have also asked the Secret Service that does money laundering to be involved.

The gentleman from Michigan (Mr. SMITH) is right, this ought to be con-

demned, and if the U.N. does not participate, if Volcker says he is not getting the cooperation, the only criticism of the Smith amendment is it will not do enough. It should not do \$20 million; that is wimpy.

□ 1415

It should do \$50 million, \$60 million. It will be a wimpy amendment if they do not cooperate. Volcker has said he wants to pursue this, and he believes he is making progress. And the FBI and FinCEN and Secret Service will be involved.

Now, let me tell my colleagues what the Smith amendment does. It has nothing to do with that. It would cut money from the Food and Agricultural Organization. The Food and Agricultural Organization, where our former colleague, and my very best friend, Congressman Tony Hall, is running it and doing a lot to abolish hunger in the world, and talking about GMA and things that the gentleman is interested in, would be cut. That program would be cut.

The World Food Program. Jim Morris, an American, running the World Food Program, one of the people who are trying to bring food to Sudan and to Darfur, where there is a genocide, perhaps, going on. That organization would be involved.

Also, this amendment would impact on the International Atomic Energy Agency, whereby we are trying to make sure that Iran does not have nuclear weapons and is trying to deal with the issue of North Korea. Why would we want to go after them?

Lastly, NATO. This would cut all the international organizations. Why would we, when NATO is in Afghanistan and we are trying to get NATO to participate, as I believe they should in Iraq, and quite frankly I am disappointed that the Germans and French have not participated with us, why would we do this at this time?

Now, I think in fairness, that is not the intention of the gentleman from Michigan (Mr. SMITH). I think the gentleman is trying to make a point, but the point is a very blunt point. And to cut FAO, to cut the Atomic Energy Agency, to go after NATO, and to deal with the World Food Program and the FAO, which is trying to bring an end to the famine and the hunger in Eritrea, Ethiopia, and particularly in Darfur would be a mistake.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Michigan. Well, Mr. Chairman, let me just say that this is cut from one of the largest expenditures in the United Nations appropriations, that is, to the contributions to international organizations. I think the American taxpayer in general is not willing to increase this account by 19.4 percent at a time that the gentleman from Virginia admits that the

U.N. is doing something that is unconscionable and that should not be acceptable.

When we have other countries that are complicit, apparently, in this graft-type program of oil for food, along with what appears to be a reluctance of the United Nations to cooperate, we need a signal. I would hope this \$20 million would be spent for science and research, because I chair the Subcommittee on Research.

Mr. WOLF. Reclaiming my time, it is not. And I do not think the gentleman would want to do anything that would hurt Volcker with regard to the efforts. I would rather have the FBI and the Secret Service and the Financial Center there.

Also, when the gentleman says independent agencies, that is also the World Food Program. That is also the issue with regard to the SARS outbreak in China. We do not want SARS to come here to the United States. And NATO.

So for all those reasons, and God bless the gentleman from Michigan (Mr. SMITH), I give him an A for the intention and effort to pursue this, and I hope we see his son here next year taking his place, but this amendment that he meant to do does not do what he meant to do. I think it would do a lot of harm; and due to that, I oppose the amendment.

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

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

One of the reasons I did not ask the chairman for time and took my own time is I did not want to say anything the chairman did not agree with on his time. But I would imagine that the sponsor of this amendment has not voted against expenditures for the war, and yet he is concerned about expenditures for international organizations, my point being that this is probably the worst time in our history to withdraw from international organizations.

We are, and I am one of those who believes that we were wrong in invading Iraq; I am one of those who believes that we were misled on every issue, including weapons of mass destruction and to go into this war. But whether we were misled or not and whether one agrees with me or not, the end result is the same. We are rebuilding the country; and an incredible amount of money, paid for by the taxpayers, is going into Iraq.

And especially at a time now when so many people in that region and throughout the world have lost respect for us, this is not the time to withdraw from international organizations. On the contrary, this is the time when we should take some of that money we are spending on rebuilding in Iraq, some of that money we are spending on that war and use it to join still more organizations.

Why? Because, unlike the war, and unlike the invasion, these organizations give us an opportunity to look as



the people we are, a good, caring Nation that cares about the rest of the people in the world and wants to help; not one that invades people on false assumptions and premises.

So I would say to the gentleman that his concern about taxpayer dollars being spent here, right now this is probably one of the better areas to spend taxpayer dollars, and not in the areas we are spending them right now. I would really wish that the gentleman would reconsider this amendment, because this amendment, unfortunately, may get some people's excitement up and foolishly support it in a way that would hurt our involvement.

Even President Bush, lately, has been quoted as saying that he is supportive of the work the U.N. is doing and the kinds of things that have to be done.

Lastly, the gentleman is still, as some Members are, upset at the fact that the Germans and the Russians and the French did not agree with us on this particular invasion. Well, we do not agree with them on a lot of things and that does not mean we drop out of dealing with them on a daily basis and working with them to make a better world for all of us.

So I would hope the gentleman would reconsider this. If not, then I would hope that people vote "no" on this amendment.

Mr. SMITH of Michigan. May I ask how much time I have remaining, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan has 4 minutes remaining.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would ask the ranking member if he does not object to the fact that the United Nations took \$400 million of what was intended to be money to pay for inspections at a time when they were not having inspections.

I would ask the ranking member if he is not concerned with a report from the Wall Street Journal that the U.N. took \$100 million from the Oil-For-Food Program and used it for operations.

I would be concerned whether the ranking member or any Republican or any Democrat is not concerned with the fact that a United Nations employee who was handling the Oil-For-Food Program, Mr. Sevan, has now written letters, according to Mr. Volcker's staff, suggesting that the information not be released regarding this program.

It is obvious there has been some misuse of money. I would like to suggest that the real story here is that many countries make decisions based on what is good for their country as representatives to the United Nations with no regard for the goals and ideals of the U.N. charter. Certainly this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events throughout the world.

Is it any wonder that under pressure from these countries the U.N. could not

agree to support us in Iraq? Is it any wonder that at the first threat of danger the U.N. pulled out of Iraq?

It seems to me, Mr. Chairman, that we need to carry out a full and thorough investigation and make changes if the U.S. is to continue with some degree of confidence. And we need to send this signal of this reduction with this kind of testimony regarding a \$20 million reduction for the U.N. I think this action sends the beginning of a message that our country and the taxpayers of this country will not stand for this kind of abuse.

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

Mr. WOLF. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia has 4½ minutes remaining.

Mr. WOLF. And then I can strike the last word?

The CHAIRMAN. Plus the gentleman has the pro forma motion.

Mr. WOLF. I thank the Chair. I wanted to be sure there was time for the gentleman from Connecticut (Mr. SHAYS) to speak.

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

Mr. Chairman, if all the things have been done that the gentleman from Michigan (Mr. SMITH) thinks have been done, and I think they may have, the Smith amendment is a power puff amendment. It is too weak. We will follow this carefully. If they have done it, then I think it should be more drastic.

I would call to the attention of the gentleman from Michigan page 26 of the report. It says: "Oil-For-Food: The committee directs the FBI to provide assistance in the United Nations' investigation of the Oil-For-Food Program, if requested by the recently established independent inquiry committee chaired by Paul Volcker. The committee strongly supports this investigation and encourages the FBI to make resources available as appropriate to assure its successful conclusion."

So I think what the gentleman from Michigan is saying is accurate; and we will be very, very aggressive, but we called Mr. Volcker. I personally called the director of the FBI. He personally gave me a commitment to put his very best agents on this.

Having said that, I think the gentleman's language would be better if it had been conditional, saying that if there is not cooperation by the Russians and by others, then this will be the case. But I do not want to do anything to keep Volcker from getting to the bottom of this.

There are probably people involved in this that may very well go to jail, and I want to see the Secret Service, the Financial Service, and the FBI deal with this. So the amendment does not deal with that; it cuts, potentially, contributions to NATO or something like that.

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

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

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

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman yielding to me. I will place my full statement in the RECORD and just make a few other points.

First off, this is a huge scandal. I do not know any scandal that comes close to it. We are talking about a \$5.7 billion underselling of oil and getting kickbacks, and overbuying for commodities and getting kickbacks. We are talking about the outing of U.N. and government officials around the world by, ironically, an Iraqi free press, exposed by a government leak of the Iraqi Governing Council.

This is huge. And I submit to my colleagues that the French and the Russians and the Chinese and U.N. officials never thought it would be known, because they knew they had their records and they would keep them. They would never share them with anyone, and we certainly would not get the records from Iraq because we would never attack Iraq and never free the Iraqi people. I guess that is what people thought.

The problem with this amendment is it is misguided, in the sense that we need the cooperation of the U.N. right now. If we do not get it, and if the gentleman from Michigan (Mr. SMITH) is still here, we should pursue that. But when he asks is anyone concerned, I know the ranking member is concerned. I clearly know the chairman is because he came to me and told me that in conversations with Mr. Volcker he promised him that we would provide all the cooperation and provide him the best resources available. So I appreciate what the gentleman from Virginia (Mr. WOLF) has done.

Are we concerned? Absolutely. We have the Committee on Government Reform and my Subcommittee on National Security, Emerging Threats and International Relations, conducting investigations. We have staff dedicated to looking at this. I think we have the Committee on Agriculture looking at this. We have the Committee on International Relations looking at this. We will get to the bottom of the corrupt Oil-For-Food Program with or without U.N. support.

When we do, I do think people will be going to jail. I think it will be extraordinarily embarrassing for some governments. I think it might explain somehow why the French act like the French, and why the Chinese and the Russians were reluctant to confront the Saddam regime. I think it is going to tell us a lot of things about corrupt people, corrupt actions, and the motivations of government. But right now we need as much cooperation as we can get from the U.N.

I would request, frankly, Mr. Chairman, that the gentleman withdraw his

amendment and not require folks to vote for or against it, because I think the concern of the Members will be shown of the next few months. But I appreciate the opportunity the gentleman has given us to debate this issue.

Mr. Chairman, while I appreciate and share the gentleman from Michigan's concern about the Oil-For-Food scandal, I rise in opposition to this amendment.

Getting to the bottom of this scandal is the reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21; we want to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know about the Oil-for-Food Program; Something went wrong. The Hussein regime reaped an estimated \$10.1 billion from this program: \$5.7 in smuggled oil and \$4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-For-Food Program. There is no innocent explanation for this.

We want the State Department, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-For-Food transactions, even if that unaccustomed degree of transparency embarrasses some members of the Security Council.

The purpose of our investigation, beyond returning to the Iraqi people that which was stolen from them, should be to improve the United Nations, not to create an excuse to withdraw our support from the body.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of political profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption.

In the early 1990s, because of concerns about United Nations operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears. We subsequently debated this issue for years, and, in November 1999, Congress and the administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving toward democracy.

I urge opposition to this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would just like to ask the previous speaker, the gentleman from Connecticut (Mr. SHAYS), if he agrees with a 19.4 percent increase in this appropriation line item.

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

Mr. SMITH of Michigan. I yield to the gentleman from Connecticut.

Mr. SHAYS. Absolutely I do. Because the U.N. needs these resources for a lot of reasons and the nongovernment organizations that are involved in trying to help create some peace in Iraq, et cetera, et cetera, et cetera. I do not think it is advisable, though, to subtract this money.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Chairman, I do not think a 19.4 percent increase is justified at a time when the United Nations has instructed its people to withhold information from the Volcker Commission.

I do not think it is justified; and I would say to the chairman, if there was unanimous consent from him and the ranking member, and if there is no objection and it would be appropriate, I would be delighted to amend this amendment to say that this \$20 million would be withheld on condition of full cooperation by other countries and by the United Nations.

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

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

□ 1430

Mr. WOLF. I would have no objection to that at all.

Mr. SMITH of Michigan. Would you support the amendment with that language?

Mr. WOLF. If it would say what again?

Mr. SMITH of Michigan. If it says that the \$20 million is going to be withheld unless and until there is full cooperation by the United Nations and participating countries releasing available information on the Oil-for-Food program?

Mr. WOLF. Absolutely I would support it, and perhaps it maybe ought to be changed from 20- to 40-, but yes, I would support it.

Mr. SMITH of Michigan. Mr. Chairman, I would be glad to change that, too. If there is no objection, I would make that amendment. I would ask for unanimous consent.

I understand that it has to be in writing. Is that correct, Mr. Chairman?

The CHAIRMAN. If the gentleman would withdraw his amendment, he could redraft his amendment so that it is clear, then without prejudice it could be considered, without objection.

Mr. SMITH of Michigan. Mr. Chairman, I withdraw it, with the understanding that I could redraft it and bring it to the desk.

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

Michigan that the amendment be withdrawn without prejudice?

There was no objection.

AMENDMENT NO. 25 OFFERED BY MR. SHERMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. SHERMAN:

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 used to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Chairman, I yield myself 5 minutes.

As I indicated, I have two amendments that I would hope that those who wish to speak on either of them would be on the way to this floor.

My first amendment deals with the enemy combatant doctrine, and what the bill does is that it provides that none of the funds in this act can be used to detain for more than 30 days anyone apprehended on U.S. territory solely because that person is identified as an enemy combatant. That is to say, detention of over 30 days of anyone apprehended in the United States would be done under our regular criminal law.

Now, first let us talk about what this amendment is not. This amendment does not try to protect our privacy. There will be incursions into our privacy in this war on terror, but it is one thing to say the government may know something about what we are doing or reading. It is another thing to say that the executive branch alone can incarcerate any of us permanently, and that is the wrong that this amendment addresses.

Second, this amendment is not about those apprehended on foreign battlefields or on any foreign territory. It addresses only those apprehended on U.S. territory.

Third, this amendment does not authorize any Federal agency to do anything. It is a limitation amendment,

and so by its terms, it prevents the use of funds to detain someone for over 30 days. That does not authorize anyone to detain someone for 29 days. This is an additional limitation on the expenditure of funds.

Now, the enemy combatant doctrine is the most dangerous doctrine propounded by anyone in this country. What does our criminal law do, and how does it work? First, Congress defines what is a crime. Then the judicial branch determines whether facts have occurred so that the defendant is guilty of that crime.

What is the enemy combatant doctrine? The administration vaguely defines what might be the crime, and that is subject to change any time they want, and the administration, whoever that might be, determines whether facts have occurred that cause someone to have committed that crime or that wrong.

So is someone an enemy combatant if they plant a bomb? Are they an enemy combatant if they applaud a bomb planter? Are they an enemy combatant if they defend someone who applauds planting a bomb? We do not know, but we do know that if you are classified as an enemy combatant, you can be incarcerated immediately, permanently, or at least until the end of the war on terror, which I would say means the same as permanently.

Now, is someone a bomb planter, or is it a case of mistaken identity? Under the enemy combatant doctrine, the courts do not determine whether a particular individual planted a bomb. The executive branch determines, locks the person up permanently or for as long as they think that person is dangerous, no matter how mistaken they might be.

Now, the courts have not solved this problem. We do have a recent court opinion, actually three of them, but in dealing with this issue, we have not a majority opinion, but a plurality opinion. So the court has not spoken with the majority. And on the key issues involved that I am speaking about, they remanded the case to a lower court.

It is time now for Congress to do all it can to reign in this doctrine of enemy combatants. To do otherwise, to be silent, as we have been for over a year, is to acquiesce in a new doctrine of criminal law where the executive can arrest anyone, after that arrest determine what it is that makes up the definition of enemy combatant, and then decide what facts have occurred, subject to no judicial review, as to whether that person has, in fact, violated those wrongs as previously determined by the administration. This is indeed a dangerous doctrine.

Today I do not know whether it is being misused, but if we do not act, I assure you it will be misused in the future. Someone will be erroneously accused of bomb-making by some local enemy of theirs. The executive will have detained that person for as long as they think they are dangerous and for as long as the war on terrorism continues. That could be for a long time.

Tomorrow those who simply loudly protest the war on terrorism will be called enemy combatants.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, let me say one does not have to go too far with this amendment before finding a very strong point for defeating the amendment and objecting to it. Quoting section 802, it states that none of the funds made available in this act may be used to defend in court. So the U.S. cannot even send in people to defend in court the detention for more than 30 days of a person apprehended on United States territory solely because that person is classified as an enemy combatant.

Very simply, we have people who have been in Guantanamo, in fact who have been released from Guantanamo, who have been proven to have gone back to the battlefield and taken up arms against the United States.

If the Sherman amendment passed, if we caught Osama bin Laden in the U.S. tomorrow, the Department of Justice would not be able to legally defend his detention as an enemy combatant. That makes absolutely no sense.

It states further that none of the funds made available in this act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory. We could have somebody driving a hijacked airplane and clearly in an act of aggression against the United States, and none of the funds available in this act, even if that person intended and was attempting to drive that airplane into a U.S. building, killing Americans, none of the funds in this act could be used to classify that person as an enemy combatant.

So interestingly, the Supreme Court cases that have held on this subject have said at least the combatant is entitled to some type of a hearing to determine whether, in fact, he is a combatant and whether he is being held legally. Well, a hearing requires that there are attorneys present and that there are advocates for and against the position. If we take section 208 of the Sherman amendment, we cannot spend any of this money to have the lawyer representing the United States of America to make his point that that person is a combatant and that we cannot hold him for longer than 30 days.

I would simply ask Members to vote against this amendment on this basis: It makes absolutely no sense. It in no way represents or reflects determinations made in the relevant court cases with respect to enemy combatants, de-

tainees at Guantanamo or any other place.

Mr. SHERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what we use to protect American citizens is our criminal law. If bin Laden arrives in the United States, he has already been indicted. If someone smashes an airplane into a building, I suggest they be arrested for murder. What defends us from terrorists; how do we deal with mass murderers? We arrest them.

Why do we need instead to use this new doctrine of enemy combatant? To say that our only choice is to abdicate to the executive branch determining who has committed a wrong and what wrongs justify incarceration, or we have to incarcerate no one ignores the criminal law as we know it.

Yes, those who commit crimes should be arrested and detained, not under the doctrine of enemy combatancy, but under the doctrine of criminal law.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, while I was watching the spectacular fireworks July 4 over the Washington Monument, I was reminded that our Revolution and experiment in freedom and liberty is still going on. We are still faced with struggles to protect our basic freedoms. We are still faced with the need to occasionally rein in unchecked authority of the executive branch of government.

We still need to stand up for the proposition that no Chief Executive should be able to throw into a dark, deep cell an American citizen without eventually affording that citizen a trial. That is a basic American proposition.

We still believe that reviewing an incarceration decision by the judicial system is the best way to ensure both security and liberty. And make no mistake, we face real threats to our physical safety, and those miscreants ought to be punished to the full extent of the law.

But we have always founded our democracy on the proposition that detention ultimately must be subject to a hearing and a review, and we should not abandon that principle now out of fear. In the words of Supreme Court Justice Stevens, we "have created a unique and unprecedented threat to the freedom of every American citizen," and that "unconstrained executive detention for the purpose of investigating and preventing subversive activity is the hallmark of the Star Chamber."

Freedom is not free. It demands us to stand up against threats to freedom. It calls for us to speak against unchecked executive authority, just like what was done in 1776. And while I disagree with the gentleman from California (Mr. SHERMAN), I am against the right of any President to throw someone in a dark cell and never give him a trial.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, this amendment, while I believe misguided, is nonetheless a very important amendment because it changes the parameters, or at least it seeks to change the parameters, of the definition of enemy combatant.

□ 1445

It seeks to force in this case the United States to treat enemy combatants as criminals rather than as enemy combatants, and it fails to recognize, therefore, one very significant change that has taken place, something that is very different about this war that then existed in any war in modern history, and that is that there is no doubt that the attacks of September 11 constituted acts of war, and, therefore, by definition the United States territory, the 50 States and our territories, are part of the battlefield.

The gentleman from California's (Mr. SHERMAN) amendment does not seek to curb the definition of enemy combatant as it applies to Guantanamo or as it applies to Iran or Afghanistan, just the United States. So the gentleman makes a difference between the part of the battlefield that is offshore and the part of the battlefield that is onshore in this case. And I think that goes to create a mistake, because it places 30-day limits on the detention of an enemy combatant by the Department of Justice. What that means is that if the FBI apprehends an enemy combatant in the process of trying to carry out an act of terrorism in the United States, and he is charged by the Department of Justice and imprisoned, he can only be held for 30 days, and that seems to me to go in the wrong direction. It means that if Mohammad Atta were picked up and identified as an enemy combatant, that he would have to be released in 30 days.

The Sherman amendment kind of reminds me of when I chaired the Subcommittee on Fisheries Conservation, Wildlife and Oceans for 6 years, and it sounds like what the gentleman from California (Mr. SHERMAN) really wants to do is he wants the war on terror to be run like a catch-and-release fish tournament, and that obviously is something that we do not want to see done here.

So I urge my colleagues on both sides of the aisle to oppose this well-intended amendment, but which takes us in exactly the opposite direction we should be going.

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

The gentleman assumes that we have no criminal law. He suggests that if a bomber is caught red-handed, we cannot charge him with being a bomber. We cannot arrest him. We cannot indict him. We cannot try him. We either have to release him, or we have to have this new doctrine of enemy combat-

ants. I suggest if we catch a bomber, we arrest him. He suggests a doctrine in which anyone could be called an enemy combatant for doing whatever the administration thinks is harmful to the United States and incarcerated forever, and that the only alternative is to release all terrorists to swim amongst us.

What a preposterous alternative. What an attempt to put in the hands of the executive branch the right to arrest anyone and permanently detain them and to say that the only alternative is to release Mohammad Atta.

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

Mr. NADLER. Mr. Chairman, in most of our wars, we have done things that have trampled civil liberties in the name of national security. Invariably we end up apologizing for it later when historians say that the internment of the Japanese Americans in World War II or the Alien and Sedition Acts of 1798 or whatever did not, in fact, aid national security. We are doing it again.

The Supreme Court 1½ weeks ago made very clear that we cannot simply hold people indefinitely by labeling them an enemy combatant. They gave a broad hint that when the Padilla case comes up, they will tell us that this amendment is mild, and that the power the President claims to throw anybody in jail in the United States because the gentleman from New Jersey (Mr. SAXTON) says that the United States is a battlefield and hold them there indefinitely simply on their own say-so with no due process, this is a power that nobody has claimed since before the Magna Carta. Habeas corpus was invented to say that the President is a President; even a king is not a dictator.

Let me finally say that this amendment is necessary to say that we will fight this war against the terrorists, but we will fight it as Americans in the tradition of liberty.

The CHAIRMAN. The time of the gentleman from California (Mr. SHERMAN) has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that each side be given an additional 15 seconds.

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

There was no objection.

Mr. SHERMAN. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will quote from Sir Thomas More in the play "A Man for all Seasons," because we are told we must eliminate our traditions of liberty to get at the terrorists. Sir Thomas More was asked: "So now you'd give the Devil benefit of law?"

And More said: "Yes. What would you do? Cut a great road through the law to get after the devil?"

"I'd cut down every law in England to do that."

And Sir Thomas More finally said: "Oh? And when the last law was down and the Devil turned round on you, where would you hide, the laws all being flat? This country's planted thick with laws from coast to coast, and if you cut them down, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake."

And that is why this amendment must pass.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. HOEKSTRA).

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

This amendment raises serious constitutional issues which we should not deal with on this appropriations bill. This amendment has no limitations as to applying only to U.S. citizens or only applying to the global war on terrorism. It applies to any situation where the U.S. may be in conflict, and it would apply to anyone, not only U.S. citizens.

Under the proposed amendment, the President would not be able to detain anyone who is in this country on a mission for al Qaeda or any organization or country that had chosen to attack the United States. He would not be able to detain that person for more than 30 days as an enemy combatant. Instead, he would have to release the citizen or that person or prosecute him criminally. That change in the law would deprive the Commander in Chief of one of the traditional tools used in warfare and one that is particularly critical in the struggle with a secretive enemy like the current war on terrorism, like al Qaeda, because of the extent to which the United States must rely on intelligence sources to ferret out al Qaeda plots.

The reason that the executive may need the ability to detain a citizen as an enemy combatant is that proving a criminal case in court will often require compromising critical intelligence sources. As the Deputy Attorney General recently explained in discussing the Jose Padilla case, the one and only case of an American citizen seized as an enemy combatant in the United States, "Had we tried to make a case against Jose Padilla through our criminal justice system," it would have "jeopardized intelligence sources." And to be very clear, in this war jeopardizing the intelligence sources means putting American lives at risk. It is to avoid that very real threat to continued success of the war effort that criminal prosecutions may not always be a practical possibility for dealing with enemy combatants.

This amendment, although well intentioned, and though perhaps raising some issues that need to be discussed, they should be discussed going through the committee process and should not be hastily put onto an appropriations bill as an amendment without going through a full debate.

I urge my colleagues to be opposed to this amendment because of the severe limitations it will place on the executive branch, it will place on our ability to conduct not only a global war on terrorism, but any enemy combatants in the future.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER), who serves on the Committee on Armed Services.

Mr. BUYER. Mr. Chairman, I think this is an area we have to be pretty careful about. This is a very serious question, and, in fact, it raises grave constitutional questions that are unsettled, the principles of separation of power.

But with that aside, it also gets kind of confusing. So let us go back to not only our own Constitution, but also the Geneva Conventions. The Geneva Conventions under Article 5 say if one captures an individual and they know who they are, then they are automatically by the capturing power given POW status. If there is any doubt with regard to their status, under the Geneva Conventions, the capturing power then is to conduct what are called Article 5 tribunals.

What has happened here is when there is no doubt of the status of the individual, the executive branch has made the decision, then obviously they are not a POW; so they are not afforded the protections of the Geneva Conventions. And if they are not afforded in a tribunal Article 5 because their status is not in doubt, there is a term of art that has been used. They are called an enemy combatant, but they also can be called security detainees, unprivileged belligerents, unlawful combatants.

This is a very dangerous area what this amendment tries to do. It tries to dance into the area of the executive branch and say we cannot classify individuals as to these types of things.

Mr. Chairman, we are in a very unsettled part of the law. I have made a couple of notes with regard to the speakers who spoke before me who said that we need to rein in the doctrine. That is false because this is a doctrine that has been used very sparingly. In the 3 years for which we have had the war on terrorism, there is only one United States citizen that has been classified as an enemy combatant and has been detained, and if we were to only use the "criminal process," what we then do is jeopardize our intelligence. And we are operating a war predominantly in the dark world. It is an intelligence war against a secret enemy, and for us to jeopardize that by going to the public domain is foolish on our part.

Doing this on an appropriations bill, number one, using the word "foolish," that is foolish. We should not be doing that. The gentleman would like to entertain greater discussions on this. Let us take it through the authorizing committees, and let us, in fact, do that.

The other said that it is unchecked executive authority. That is false. It is

not unchecked because we have the checks and balances, and that is why this case was taken to the Supreme Court.

I also would like to note that there is nothing, nothing, in current law requires resorting solely to criminal prosecutions. In the recent Hamdi decision, the United States Supreme Court did not directly address the Padilla scenario, but a majority of the Justices clearly agreed that "there is no bar to this Nation's holding one of its own citizens as an enemy combatant."

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 15 seconds remaining.

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

Mr. Chairman, I yield to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, we are playing a dangerous game here. If the gentleman from California (Mr. SHERMAN) had written an amendment that dealt with how U.S. citizens are treated, whether they can be found to be enemy combatants and detained, we might have had an interesting discussion. There has been, for example, discussion of the Jose Padilla case during this debate. But that is not the amendment that he wrote.

The amendment that he wrote does not even apply strictly to terrorism. It applies to conventional warfare. So that if Adolph Hitler's Panzer Division were to land here in America, every single one of the Nazi troops would have to be sent through the judicial system. We could not deal with them as an enemy force. If Kim Jong-il sends his million-man army to land on America's shores, if they were to arrive in amphibious vehicles and roll tanks through our streets, every single one of those millions would have to be treated as a litigant in court under this amendment.

We have never done this before. Least of all should we be doing this in an appropriations bill. These sorts of novel concepts that strip the Commander in Chief of his authority to conduct war for the United States of America that I would say that go so far as to completely upend the legal right of the United States to defend itself should not be written on the back of an envelope and attached as authorizing language essentially in an appropriations bill.

Here is what the amendment says. It is a very short amendment. It says that we cannot use any of the funds available in this act to detain for more than 30 days a person apprehended on U.S. territory even if that person is an enemy combatant.

□ 1500

So we are not talking about people who might or might not be enemies of the United States. We are talking about people from foreign soil, not U.S. citizens, whether they be generals or

troops, armies, coming over here. These people must be handled through the judicial legal system.

This is an outrageous interference with the ability of the United States to defend itself. It is very dangerous. I strongly urge my colleagues to defeat it.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I would like to follow up on what the gentleman from California said about this very simple amendment, and it is a very simple amendment. It simply says that if Mohamad Atta, you remember him, the leader of the 19 hijackers, if Mohamad Atta had been caught in this country prior to 9/11, this act would prohibit him from being classified as an enemy combatant. It would prohibit the funds to hold him for more than 30 days; it would prohibit the Justice Department from using any money to designate him as an enemy combatant.

If a terrorist in Iraq blows up a car bomb and it kills 50 people, he can be held an unlimited amount of time. If he is in the United States, this says if he is in the United States, whether he is a citizen or not, he cannot be held for over 30 days, and this says no funds may be used to classify any person as an enemy combatant.

Mr. Chairman, we are in a war; and there are people in this country who are against us, and they need to be designated as such.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

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

Mr. Chairman, I rise in strong opposition to this amendment. To drop this on this committee a day before it is brought up, I do not care what side you are on, it just should not be done that way.

How would this amendment treat Osama bin Laden? How would it treat Mohamad Atta? How would it treat people like that?

This amendment should be certainly covered by extensive hearings by the Committee on the Judiciary and also the Committee on Armed Services, but not language that we got yesterday with no opportunity to look at the impact.

Would this language result in the release of a terrorist? Should we look at and fully explore the ramifications and the consequences? Could the result of this be the release of a terrorist within the United States to commit further terrorist acts?

The amendment would prevent an enemy combatant from being detained, would prevent Osama bin Laden, let us not say enemy combatant, would prevent Osama bin Laden from being detained for more than 30 days. What is the rationale for only being able to detain Osama bin Laden for 30 days? Should it be 45 days?

A bad amendment, late, not the approach. I urge a "no" vote.

Mrs. MALONEY. Mr. Chairman, I rise today in support of the Sherman amendment that would limit the use of the enemy combatant doctrine to detain persons indefinitely.

While this amendment would only apply to those apprehended on U.S. soil, the government has detained American citizens, individuals whose rights are without a doubt protected by the U.S. Constitution, without charging them or allowing their case to be brought before our judicial system. This is simply wrong.

How can we expect the rest of the world to respect our way of life if we do not even adhere to the principles we claim to hold dear?

How can we expect our own constituents to believe in the protection of their rights if the rights of others are trampled on?

The Supreme Court recently determined that foreign citizens detained at Guantánamo Bay and American citizens detained in military brigades are entitled to their day in court.

Clearly, it's time that this Administration begin to respect the rights of the people it claims are criminals. The Fifth Amendment of the Constitution provides for due process of law, and it's time we remembered that.

I thank my friend Representative SHERMAN for offering this amendment today, and I urge my colleagues to support his amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was rejected.

VACATING WITHDRAWAL OF SMITH OF MICHIGAN AMENDMENT

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the proceedings by which the Smith amendment was withdrawn without prejudice be vacated, to the end that the Chair now put the question thereon.

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

Mr. SMITH of Michigan. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Does the gentleman wish to speak on his reservation?

Mr. SMITH of Michigan. I do, Mr. Chairman, just for an explanation to the body. Originally, we thought we could work out a word change that would be acceptable, but it would still be subject to a unanimous consent request. We were informed there would be an objection, so that is why we vacated the rewording of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

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

Mr. SMITH of Michigan. 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 Michigan (Mr. SMITH) will be postponed.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. HEFLEY:

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

TITLE \_\_\_\_—ADDITIONAL GENERAL PROVISIONS

SEC. \_\_\_\_ . Of the funds appropriated in this Act under the first paragraph of the heading "COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—SALARIES AND EXPENSES", not more than \$7,500,000 shall be available for the United States Court of Federal Claims.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Chairman, I rise today to offer an amendment to reduce the budget for the U.S. Court of Federal Claims by one-half. Due to an unchecked law, a handful of Federal judges who decide claims against the government are collecting full-time wages for less than part-time work.

The judges on the U.S. Court of Federal Claims are appointed for 15 years, but jurists turn their terms into lifetime appointments by remaining as senior judges and collecting their full six-figure salaries. Currently, the Federal claims court has 16 active judges, and it has 13 senior-status judges.

The workload of the court is hardly burdensome, as it averages fewer than two trials a year. While a handful of senior judges work a full docket, others handle only a fraction of their former caseloads; and still others, Mr. Chairman, still others do no cases whatsoever. They keep an empty docket. Yet all of them are paid the full-time Federal judge salary of \$158,000 a year.

This is known in the legal profession by lawyers who know this court, it is called "charmed existence," and it is an abuse of judicial authority and a waste of taxpayer money. I would hope we would support this amendment.

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

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition to this amendment; but the committee will look at this issue, because I tend to agree with the gentleman on the circumstances involved. If they want to retire, they should retire. But, unfortunately, I do not think this amendment gets to that.

The amendment would effectively reduce the amount of funds available to the U.S. Court of Federal Claims. A \$7.5 million reduction would more than fully encompass the entire budget of the Clerk's office, both operating expenses, as well as salaries and benefits for the approximately 30 staff employed by the court, which is currently about \$3 million.

It is uncertain how the remaining reduction would be absorbed, since most of the remaining costs are contractual, rent and the judges' salaries and benefits. So while the judges and chambers staff would remain on board, with no Clerk's office staff or operating funding, the court would eventually cease operations, few if any cases could be tried, and the backlog would grow.

In addition, this would result in extreme delay for plaintiffs in the more than 2,000 cases that are currently pending before the court that are waiting to have their cases against the U.S. Government.

In addition, because the court was created in part to give citizens a court with jurisdiction to consider claims against the government, it would not be unreasonable to think that this could be viewed by some as a way to eliminate the government's liability in cases brought against it.

So for those reasons, what it would do to the court, I oppose the amendment. But I would urge the Committee on the Judiciary to look into this whole issue of terms. I think once they are judges, they are judges. When they retire, to take a senior status and take no or few cases and still draw their full salary, quite frankly, it is not right.

So I think what the committee will do is to draft a letter, send a letter to the court of claims, the chief justice, to ask them to look into this. But I do not want to shut the whole court down.

Because of that, I oppose the amendment.

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

Mr. Chairman, I appreciate the chairman agreeing to look into this; and I think that is important, whether this amendment passes or not.

There is somewhat of a movement within the other body to shut that court down completely. The value of it, there is a real question about it.

In a recent Associated Press story, let me just quote a few lines from it, it says, "Judges on a little known Federal court that decides claims against the government are appointed for 15 years, but collect their full six-figure salaries for the lifetime of the workload average, and they average fewer

than two trials each in one recent year." It goes on to say, "Taxpayers are spending top dollar for full-time judges who do not even perform part-time work."

Finally, the statement is made, "They go from doing next to nothing to doing nothing and we are paying for it."

We still leave over \$7 million in the budget for this court. We are not doing away with the court entirely. That decision is not being made at this point. I do not think this would be the appropriate place to do that. But this is a way to get at the abuse that is going on with that particular court and the abuse of taxpayer dollars.

Again, Mr. Chairman, I would ask for an "aye" vote.

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

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

Mr. Chairman, I again rise in opposition. But I think the Committee on the Judiciary, and we will also look at whether this court ought to be abolished, I think this Congress passes things and creates things. Maybe this ought to be transferred to the D.C. Court of Appeals or some other court. If the conditions are the way that the gentleman said, my sense is maybe it just ought to be abolished. But until it is there, these 2,000 cases are moving. So maybe I would be very supportive of abolishing it, but I think they have to be able to operate.

So for that reason, we will do a letter. We will do a letter to the gentleman from Wisconsin (Mr. SENSENBRENNER) asking him to look at this issue, as to whether or not the court ought to stay in existence.

Mr. Chairman, I oppose 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 Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. 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. SHERMAN:  
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 to the Department of Justice may be used to implement, litigate or defend the legality of, or enforce the regulations

prescribed by the Comptroller of the Currency and published in the Federal Register on January 13, 2004, at 69 Fed. Reg. 1895—1904 (relating to the scope of visitorial powers of the Comptroller of the Currency) and at 69 Fed. Reg. 1904—1917 (relating to applicability and preemption of State law with respect to national bank operations).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

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

This is the Sherman-Otter-Gutierrez amendment dealing with an issue very different from the one I was speaking about just a few minutes ago. But before I address this amendment, let me address that other amendment dealing with the enemy combatant doctrine.

First, of course, we did lose on the voice vote. I should point out for the record there were only six Members present here on the floor at the time.

The reason I did not call for a recorded vote is because I agree with some of the speakers on the other side. We need a better-crafted, more-considered amendment than the one I wrote. That is why the authorizing committees, particularly the Committee on the Judiciary, need to focus on this issue.

It is only frustration that after a year the Committee on the Judiciary has slept while this doctrine, which would allow not for the arrest only of Osama bin Laden, he could be arrested tomorrow, he has already been indicted, not for the arrest of Mohamad Atta, he could be arrested in a minute on a whole variety of charges. Somebody caught red-handed making a bomb could be arrested in a minute. But, rather, we have a doctrine out there that could lead to the permanent detention of people due to mistaken identity, could lead to somebody being permanently detained, because there is some local enemy that mis-accuses the individual, and eventually could be used by an administration to detain anyone it felt was an enemy of that administration.

So I look forward to a Committee on the Judiciary that does its job and a criminal code that criminalizes those things for which people should be incarcerated, and we do not incarcerate people because only one branch of government acts.

Now let me shift to the Sherman-Otter-Gutierrez amendment. It deals with an entirely different issue. That issue is that renegade regulators at the OCC published just a few months ago a regulation stating that all national banks are exempt from all State consumer protection laws.

□ 1515

This is an extreme and an absurd regulatory provision. It is one that would

cause national banks to be free from all of the attempts by State governments to prevent predatory lending.

Now, I believe that we ought to have national standards, national standards to protect consumers from predatory lending practices and national standards to make sure that subprime borrowers are able to get credit. But to have this decision made by a renegade regulator is absurd.

I agree with those who say that this is an issue that should be dealt with by the relevant committee, the Committee on Financial Services. In fact, the relevant chairwoman of the Subcommittee on Oversight and Investigations had urged the OCC to wait and not publish these rules until Congress had had a chance to act. She was ignored.

I would hope that the Committee on Financial Services would go beyond the mere hearings that we have held, and we have had several, and would mark up a bill, either mark up a bill to tell the OCC that they cannot willy-nilly exempt all national banks from State regulation, or, perhaps even better, one that could also provide strong consumer protections and good access to capital to all those in the subprime borrowing market, protecting people from predatory lending practices.

Since we have not had action in the form of a markup at the Committee on Financial Services, since the OCC ignored the request that they wait for publishing their rules, I thought it was important to come to this floor and offer an amendment to act immediately.

I know that the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. GUTIERREZ) would like to speak and will be to the floor soon.

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

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

Mr. Chairman, I rise in opposition to this amendment. The Comptroller of the Currency is not within this subcommittee's jurisdiction, it is within the Department of Treasury. This is not the right bill to change the Comptroller of the Currency's policies concerning the regulation of national banks and State roles in regulated banks. It is a complex issue. The gentleman seems to acknowledge that the Committee on Financial Services ought to be the one to deal with it. I understand the Committee on Financial Services opposes the language to be included in the bill, so I strongly urge that we defeat the amendment and that he offer it maybe when another bill comes up dealing with the Comptroller of the Currency.

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

Mr. SHERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding me this time. I also thank the gentleman from Virginia (Chairman WOLF) for his comments. Whether or not this is the proper place to make this correction, I think it is terribly important that the correction be made.

The dual banking system in our Nation has a long and very productive and rich history. It has played a major role in making ours the strongest and most confirmed banking system in the world. The balance between the State-chartered banks and the national banks provides critical fuel to our economy, fosters innovation and competition, and provides Americans with a safe and sound banking system as a whole.

I am deeply concerned that the OCC's preemptive rules would take that balance and put it into jeopardy. These rules could radically change our financial regulation structure, and overriding State law enforcement authority and the State laws for national banks can have serious repercussions on our Nation's banking economy and on the consumers in the State of Idaho.

We do not have to look back very far in history, Mr. Chairman, to see the long-reaching effects of preempting State financial laws. Let us take, for example, the savings and loan or the thrift industry. Until 1980, State-chartered thrifts outnumbered those of Federal charters. But in 1980, the Federal regulator issued a preemptive policy similar to the OCC's recent rulings. As a result, we have watched the number of State-chartered thrifts decline until they now make up less than 10 percent of all of the thrifts in the country.

Until 1980, in my State of Idaho we had five State-chartered thrifts. Today, all thrifts in Idaho have national charters. None have State charters. Since 1980, 14 banks have received new State commercial bank charters, but there has not been a single thrift chartered in the past 24 years.

Our economy in Idaho depends on small community banks. These banks serve the members in their communities and constantly improve the way we do business in America and through innovation and diversity. If we allow the OCC to tip the balance toward the national banks, we put consumers at risk. State and local agencies in Idaho are better equipped than any Federal bureaucracy to meet the needs and address the problems of Idahoans. Allowing our banking system to be dominated by a single Federal regulator would harm consumers and our economy.

Mr. Chairman, I urge my colleagues' support for this amendment. My apologies to the gentleman from Virginia (Chairman WOLF), because if this is the wrong place to make this correction, I would like to work with the chairman to make that correction in the proper place.

Mr. WOLF. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. BACHUS).

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

First I want to start by agreeing with something that the gentleman from California (Mr. SHERMAN) has said today, something that was published in the newspaper *The American Banker* this morning. He was talking about the amendment which he now brings to the floor. What he says about it is, "This is a crazy way to do it." I would agree with that. It is, as he said, "This is a crazy way to do it."

The gentleman from Idaho (Mr. OTTER) has said this is an important issue. I agree with him; it is an important issue. It is one that ought to be debated. It is one that ought to be addressed. And, in fact, the Committee on Financial Services has had two hearings on this matter. Numerous Members, including the gentleman from Ohio (Mr. NEY) and the gentleman from Pennsylvania (Mr. KANJORSKI), to name two, have introduced legislation to address this OCC issue. The committee is working on it.

This particular amendment actually goes to the heart of the Committee on the Judiciary's jurisdiction. This is something that ought to be before the Committee on the Judiciary, because what it is, and I go back to what the gentleman from California (Mr. SHERMAN) says, and I agree with him, he says, what we are trying to do here is effectively pull the teeth out of the regulations. In other words, the OCC passed some regulations, he does not agree with those regulations, so he wants to effectively pull the teeth out of those regulations. Well, there are certain ways to do that. What he is doing is saying, so, I am going to prohibit the Justice Department from representing the OCC in court. But that is not the way to do it.

If you disagree with the regulations, you have, one thing you have is the Congressional Review Act, and our colleague on this amendment actually filed legislation under that act to review this regulation, and that is the proper way to do this. As the gentleman from California (Mr. SHERMAN) said, this is a crazy way to do it. This is a crazy amendment. It is a crazy way to do it.

We have rules in this House. I have rules at my house. There are rules. We all have rules, and we need to go by those rules. We either need to change those rules, or we need to go by those rules.

The place to address these issues, if we want to talk about whether the Justice Department ought to have the right to be a legal advocate for the OCC, and I sure hope that our governmental agencies, when they go into court as a representative of the people of the United States, I hope that they are going to have the right to legal counsel. If this amendment is passed,

the OCC will be denied legal counsel. They will be denied Justice Department legal counsel. As the gentleman says, this is a crazy way to do it.

The gentleman from Idaho (Mr. OTTER) talked about something earlier that concerns all of us. We have State regulations, we have Federal regulations. They are both important. We ought to watch what we do in this regard. What ought to watch what we do when we preempt State regulations.

He is concerned about the number of national charters as opposed to State charters, that the national charter appears to be getting more valuable. That is something that ought to be addressed, but you do not address that in an appropriations bill. You let the committees that have jurisdiction over these matters, which are the Committee on Financial Services, and they are having hearings on these matters; there is numerous pieces of legislation introduced, that is where we address it.

I do not think any appropriators will vote for this particular legislation. If they do, I would say to them, this is authorizing legislation. Why would we support something like that in appropriations? Appropriators, and I say to all Members who are appropriators, you would not want the authorizing committee, you would not want the Committee on the Judiciary passing legislation appropriating funds for the Justice Department or the Commerce Department. Neither would you want the Committee on Financial Services to start making appropriations, and neither should the appropriating committee start doing authorizations. Members of the Committee on Ways and Means out there, they are charged with certain jurisdictions. The Committee on Commerce, the Committee on International Relations, all of these committees, that is where we authorize legislation. That is the rule. This amendment, although it is crafted in a way which simply says the OCC will be denied legal representation in court, which is a crazy thing, as the gentleman from California (Mr. SHERMAN), the maker of this amendment, says, that is the only way that he could sort of bring this up to the body.

And I will say this to my colleague: The fact he brought this out, he mentions it, he has said that it ought to be addressed, I commend the gentleman for that. But this is not the mechanism.

I would say to any Member that votes for this, if you vote for this, you are voting really to disregard the rules and the structure of this whole body. If you serve on authorizing committees, you are basically saying it is okay for appropriators to authorize. If you vote for this legislation, you will say it is okay for the Committee on Appropriations to start doing the work of the Committee on the Judiciary. If you vote for this amendment, you will be saying I do not care if this is the Committee on Financial Service's matter, it is within their clear jurisdiction, but



I do not care, I am going to vote for it on an appropriations bill.

What that will result in, if amendments like this continue to be brought up as they are, and that is why we are here for several days instead of addressing things that ought to be addressed in this bill, then this body will gravitate into mayhem.

I urge my colleagues for the right reasons to oppose this amendment.

Mr. SHERMAN. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I am proud to be an original cosponsor of this bipartisan amendment, which would provide no funds in the bill be used to defend the OCC preemption regulations in a court of law.

Earlier this year, the OCC issued preemption rules that indicated that many State laws did not apply to national banks, did not apply to national banks, and State officials such as the attorneys general elected in each and every one of our States did not have authority over national banks and to help consumers.

I think that is crazy. I think that is insane. And it does not defend the consumers.

The gentleman from California (Mr. SHERMAN), the gentleman from Idaho (Mr. OTTER), and I and our staffs, with their inspiration and innovation, have brought this amendment to the floor because we want to defend consumers.

The Office of the Comptroller of the Currency, or the OCC, regulates national banks. The name of the agency causes most people to think of it as the Mint or that it would be responsible for printing money. It is certainly not the agency that consumers think to call for help when a bank has violated the law, and perhaps it is because the OCC's Consumer Call Center is open only for business 28 hours a week and closed on Fridays. At least the attorneys general and your bank regulators in your States are open Monday through Friday, 40 hours a week, to defend consumers.

□ 1530

That is what the OCC thinks about consumer protections. They will not even defend you 5 days a week. When my constituents have a problem with the bank, they call the Illinois Attorney General, as I am sure in every other State people call their Attorneys General. But according to the OCC, the Attorney General has virtually no authority over the big powerful national banks. And that is wrong.

I remember when the gentleman from Alabama came here talking about States right and saying they are the incubator of ideas. Everything is done better at the local level. Yet, the gentleman from Alabama comes here, and we should have struck his words, I will not, calling us crazy on five different occasions.

It is not crazy to protect consumers. It is crazy not to protect consumers be-

cause that is our main responsibility, to defend the people and not to be quoting from the Bankers Journal. They publish that journal to defend their interests, and it should be our priority to defend the interests of consumers, as crazy as that may seem given all the special interest money that runs around the Congress of the United States.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I respectfully and reluctantly rise in opposition to the amendment offered by my friend and colleague, the gentleman from California (Mr. SHERMAN), whom I respect.

As a member of the Committee on Financial Services, I have been at numerous hearings that have been held on the issue of OCC preemption. What the OCC did in promulgating these regulations is well within, in my opinion, their scope as a regulator of national banks. But I believe the issue is bigger than that of the powers of national versus State chartered banks or the presumed powers of the OCC. The real question here deals with ensuring the greatest protections of all American banking consumers with respect to stopping abusive lending practices. And that is why I salute the OCC's actions.

Our constituents have no idea where their bank is chartered, and they really do not care. But they really do care about protecting their money and their investments and keeping the access to capital free flowing. This action by the OCC will allow that to happen. For example, I know much has been made in Washington by some of my colleagues about a possible weakening of consumer protections between banks and their customers due to these OCC regulations. I disagree.

The famous First Tennessee case in New York proves this point, as once the OCC entered the dialogue, the case resolved in favor of the consumer in a matter of days, and the customers' losses were refunded, and their legal bills paid. Additionally, with the powers the OCC has, including on-site examiners actually in the actual banks on a day-to-day basis, they know the operations and the rules. They know how to make banks comply with them.

Remember, it was not the FBI who caught Al Capone. It was the IRS. That is the same approach under which the OCC will approach its bad actors with its on-site staff that have the ability to shut down banks.

Finally, these OCC regulations also created one uniform Federal standard for all national banks and their operating subsidiaries with respect to predatory lending as a way of creating a level playing field for all national banking customers.

While I do believe these predatory lending regulations that have been put in place are weak at best, their establishment drives home the need for real action by this Congress this year to ad-

dress predatory lending with a strong national law that governs lending at all financial institutions and their operating subsidiaries, regardless of where they are chartered.

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

The OCC gets its \$500 million budget from the banks it regulates. It is financially accountable to the banks rather than Congress. That is why we had to offer an amendment dealing with the Department of Judiciary's budget. The gentleman from Illinois (Mr. GUTIERREZ), who spoke with such passion and wisdom just a second ago, introduced in our committee, when we expressed our budget views and estimates, language criticizing these OCC regulations. And that language passed 34 to 28 with the support of the relevant subcommittee chairman, the gentleman from New York (Mrs. KELLY).

I would point out that now it is time for the Committee on Financial Services and this Congress not to just express our views but to legislate. That is why I will withdraw this amendment and hope that our committee will act instead of simply expressing views.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. HEFLEY:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by 1 percent.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

This is an amendment I have offered on a great many appropriations bills over the last few years. In my desire to begin to get a grip on the deficit spending that we are doing now, and it is not a reflection on the chairman or the committee and the job they have done, there is a great deal of good in this bill; but I rise today to offer an amendment to cut by 1 percent the level of funding in this appropriations bill. For the CJS appropriations bill that amends amounts to \$398 million, and that translates to one penny on every dollar we spend. One penny is all we are talking about on every dollar that we are spending.

I recognize there are many important law enforcement provisions contained

within this bill, which is why I have structured my amendment using the Holman rule so that the administration may choose the accounts in which they want to reduce the spending in this bill. The tendency always is when you want to cut something or a Department is to say that the most desirable things are the things it will cut. No, it is not. The FBI that will get cut here or some of those law enforcement things, it will be the things that are the least important, if we do it in this way and under this particular rule.

As most Members are aware, as I said earlier, I have introduced similar amendments that would have cut spending in other appropriations bills and I have plans to continue doing so in other appropriations bills that are brought to the floor. My amendments are intended to draw a line. The budget for fiscal year 2005 is too large. We have the power to do something about the budget deficit right now. By voting for my amendment, Members are stating to the American taxpayers they should not have to pay higher taxes in the future because we could not control spending today.

Our budgets would be no different than the taxpayers' budgets at home. When we have less money, we simply need to spend less money, and there are plenty of places within the Federal budget where we are spending money that clearly does not make any sense whatsoever.

Mr. Chairman, I offer this 1 percent cut in the budget.

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

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

The amendment would take \$400 million from the bill. As you can see from the debate, other Members feel that the funding for a host of programs is inadequate. The budget resolution passed by the House, we are within that budget resolution. The bill we are considering stays well within it. A number of accounts in the bill are funded very close to the bone. For a number of reasons that other people would realize, we urge strong opposition to the amendment.

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

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

There is not a member of this Congress that is more conscientious or more concerned about the deficit than the chairman of the committee, the gentleman from Virginia (Mr. WOLF). I have the highest respect for him. I still say, Mr. Chairman, that we can find one penny on the dollar to cut in this particular appropriations bill. I would ask for an "aye" vote.

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

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

Mr. Chairman, this bill was put together by two staffs and two members in a very tight situation with a very low allocation. As I have said on many occasions during this debate, I think the bill is fair, but we know it is tight. And this is a large amount of money to take out of this bill, especially across the board, without any consideration to all the negotiations that went in to putting the bill together.

I just think it is a bad idea, and it should be defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this amendment are postponed.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. 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. WEINER:  
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 used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I will not take the full 5 minutes. As a member of the Democratic baseball team, we have a date with destiny shortly.

I just wanted to explain the amendment, and then I will yield back my time.

This Congress in the 2003 State Department Authorization Act said that once and for all, any documents like passports and the like that refer to Jerusalem have to say the country. It is the only instance in our Nation where it says a city but it does not refer to the country, a strange form of record keeping that we clarify.

There are now some lawsuits from people who are trying to enforce that law that this Congress passed overwhelmingly, and the Justice Department and the State Department are fighting those suits. Mine would be an amendment saying that no funds can

be used to stop Congress's will from being put into place. I urge a "yes" vote.

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

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

This amendment reiterates current law. We have no objection, and we accept the amendment.

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

Mr. WEINER. 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. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 by the gentleman from Vermont (Mr. SANDERS); amendment No. 20 by the gentleman from Missouri (Mr. AKIN); amendment No. 23 by the gentleman from Iowa (Mr. KING); the amendment by the gentleman from Michigan (Mr. SMITH); the amendment by the gentleman from Colorado (Mr. HEFLEY); the amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 210, answered "present" 1, not voting 13, as follows:

[Roll No. 339]  
AYES—210

Abercrombie	Brown (OH)	Cummings
Ackerman	Brown, Corrine	Davis (AL)
Alexander	Capps	Davis (CA)
Allen	Capuano	Davis (FL)
Andrews	Cardin	Davis (IL)
Baca	Cardoza	Davis (TN)
Baird	Carson (OK)	DeFazio
Baldwin	Case	DeGette
Bartlett (MD)	Castle	Delahunt
Becerra	Chandler	DeLauro
Berkley	Clay	Dicks
Berman	Clyburn	Dingell
Bishop (NY)	Conyers	Doggett
Boswell	Cooper	Dooley (CA)
Boucher	Costello	Doyle
Boyd	Cramer	Duncan
Brady (PA)	Crowley	Ehlers

Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Flake  
Ford  
Frank (MA)  
Frost  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez  
Herseth  
Hill  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Insole  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
Kirk  
Klecza  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Leach  
Lee  
Levin  
Lewis (GA)

## NOES—210

Aderholt  
Akin  
Bachus  
Baker  
Ballenger  
Barrett (SC)  
Barton (TX)  
Bass  
Beauprez  
Bereuter  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Chocola  
Coble  
Cole  
Cox  
Crane

Lipinski  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCullum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Ney  
Oberstar  
Obey  
Oliver  
Ortiz  
Otter  
Owens  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Peterson (MN)  
Petri  
Pomeroy  
Porter  
Price (NC)  
Rahall  
Rangel

Renzi  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabó  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Simpson  
Skelton  
Slaughter  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Vislosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Wexler  
Woolsey  
Wu  
Wynn  
Young (AK)

McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Oxley  
Pearce  
Pence  
Peterson (PA)  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Pruett  
Radanovich

Ramstad  
Regula  
Rehberg  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Souder

Stearns  
Stenholm  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (FL)

## PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. I have two parliamentary inquiries. One you did not answer I asked before. How much time has elapsed on this vote so far? Not the minimum. How much time so far has elapsed?

The CHAIRMAN. The Chair will repeat that the minimum requirement is 15 minutes. That has elapsed.

Mr. NADLER. That was not my question.

The CHAIRMAN. The time elapsed thus far is 29 minutes. As long as there are Members wishing to vote in the well, the vote will remain open.

Mr. NADLER. My second question, sir, is I do not see anyone in the well waiting to vote. Is there anyone in the well waiting to vote?

## PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Mr. Chairman, in a previous response to a parliamentary inquiry, the Chair stated the vote would remain open as long as there were Members in the well wishing to vote. That case does not exist at this time, so when will the Chair be gaveling this vote down?

Mr. Chairman, apparently the basis for the Chair's response before is no longer true. Members are not in the well wishing to vote.

The CHAIRMAN. The Chair would remind Members that the rules state that the vote shall be open for a minimum of 15 minutes, and as long as there are Members in the well to vote, the vote will remain open.

Ms. PELOSI. Mr. Chairman, how long has the vote been open?

The CHAIRMAN. The Chair is about to ask if any Member wishes to change his or her vote, so that changes may be reported.

□ 1622

Ms. HARRIS, Mrs. CUBIN, Messrs. GILCHREST, BEREUTER, TOM DAVIS of Virginia, BILIRAKIS, KINGSTON, SMITH of Michigan, BISHOP of Utah, WAMP, TANCREDO and Mrs. MUSGRAVE changed their vote from "aye" to "no."

Messrs. ACKERMAN, LANGEVIN, ALEXANDER, CRAMER, and SHERMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 20 OFFERED BY MR. AKIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

## ANSWERED "PRESENT"—1

Lofgren

## NOT VOTING—13

Bell  
Berry  
Bishop (GA)  
Blumenauer  
Carson (IN)  
Collins  
Deutsch  
Gephardt  
Hastings (FL)  
Hinchev

LaHood  
Quinn  
Tauzin

## ANNOUNCEMENT BY THE CHAIRMAN

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

## PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Vermont will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, how much time is allowed for a vote to be cast? My understanding is 17 minutes.

The CHAIRMAN. The minimum time for electronic voting on this question is 15 minutes.

Mr. SANDERS. Will the gentleman tell me how much time has expired on this vote at this point?

The CHAIRMAN. Longer than the minimum time.

Mr. SANDERS. My understanding is over 24 minutes have expired.

## PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. My parliamentary inquiry is twofold. How much time has elapsed on this vote, and how much time will be allowed on this vote beyond what the rules provide for? How much time has elapsed on this vote? The time has expired.

How much time has elapsed on this vote? Are we going to hold this vote open until enough arms are twisted?

The CHAIRMAN. The Chair would attempt to respond to the parliamentary inquiry. The minimum time for this electronic vote, as stated earlier, is 15 minutes. And, as always, if there are Members in the well attempting to vote, the vote will remain open.

Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kline  
Knollenberg  
Kolbe  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCotter  
McCreery  
McHugh  
McInnis

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 306, noes 113, not voting 14, as follows:

[Roll No. 340]

AYES—306

Aderholt	Dreier	Kline
Akin	Duncan	Knollenberg
Alexander	Dunn	Lampson
Allen	Edwards	Langevin
Baca	Ehlers	Latham
Bachus	Emerson	LaTourette
Baird	English	Leach
Baker	Etheridge	Lewis (CA)
Ballenger	Everett	Lewis (KY)
Barrett (SC)	Feeney	Linder
Bartlett (MD)	Ferguson	Lipinski
Barton (TX)	Flake	LoBiondo
Bass	Foley	Lucas (KY)
Beauprez	Forbes	Lucas (OK)
Becerra	Fossella	Lynch
Bereuter	Franks (AZ)	Manzullo
Biggert	Frelinghuysen	Marshall
Bilirakis	Frost	Matheson
Bishop (NY)	Gallely	McCarthy (NY)
Bishop (UT)	Garrett (NJ)	McCollum
Blackburn	Gerlach	McCotter
Blunt	Gibbons	McCreery
Boehlert	Gilchrest	McHugh
Boehner	Gillmor	McInnis
Bonilla	Gingrey	McIntyre
Bonner	Goode	McKeon
Bono	Goodlatte	McNulty
Boozman	Gordon	Mica
Boswell	Goss	Michaud
Boucher	Granger	Miller (FL)
Boyd	Graves	Miller (MI)
Bradley (NH)	Green (TX)	Miller (NC)
Brady (TX)	Green (WI)	Miller, Gary
Brown (SC)	Greenwood	Moore
Brown-Waite,	Gutknecht	Moran (KS)
Ginny	Hall	Murphy
Burgess	Harris	Musgrave
Burns	Hart	Myrick
Burr	Hastings (WA)	Nethercutt
Burton (IN)	Hayes	Neugebauer
Buyer	Hayworth	Ney
Calvert	Hefley	Northup
Camp	Hensarling	Norwood
Cannon	Herger	Nunes
Cantor	Herseth	Nussle
Capito	Hill	Oberstar
Cardin	Hinojosa	Ortiz
Cardoza	Hobson	Osborne
Carson (OK)	Hoeffel	Ose
Carter	Hoekstra	Otter
Castle	Holden	Owens
Chabot	Hookey (OR)	Oxley
Chandler	Hostettler	Paul
Chocola	Houghton	Pearce
Coble	Hulshof	Pence
Cole	Hunter	Peterson (MN)
Cooper	Hyde	Peterson (PA)
Costello	Inslie	Petri
Cox	Isakson	Pickering
Cramer	Israel	Pitts
Crane	Issa	Platts
Crenshaw	Istook	Pombo
Cubin	Jenkins	Pomeroy
Culberson	John	Porter
Cunningham	Johnson (IL)	Portman
Davis (FL)	Johnson, Sam	Pryce (OH)
Davis (TN)	Jones (NC)	Putnam
Davis, Jo Ann	Kaptur	Radanovich
Davis, Tom	Keller	Rahall
Deal (GA)	Kelly	Ramstad
DeFazio	Kennedy (MN)	Rangel
Delahunt	Kennedy (RI)	Regula
DeLay	Kildee	Rehberg
DeMint	Kind	Renzi
Diaz-Balart, L.	King (IA)	Reyes
Diaz-Balart, M.	King (NY)	Reynolds
Dicks	Kingston	Rogers (AL)
Dooley (CA)	Kirk	Rogers (KY)
Doolittle	Kleczka	Rogers (MI)

Rohrabacher	Skelton
Ros-Lehtinen	Slaughter
Ross	Smith (MI)
Rothman	Smith (NJ)
Royce	Smith (TX)
Ruppersberger	Smith (WA)
Ryan (OH)	Snyder
Ryan (WI)	Souder
Ryun (KS)	Spratt
Sánchez, Linda	Stearns
T.	Stenholm
Sandlin	Strickland
Saxton	Stupak
Schiff	Sullivan
Schrock	Sweeney
Sensenbrenner	Tancredo
Sessions	Tanner
Shadegg	Taylor (MS)
Shaw	Taylor (NC)
Sherwood	Terry
Shimkus	Thomas
Shuster	Thornberry
Simmons	Tiahrt
Simpson	Tiberi

NOES—113

Abercrombie	Honda
Ackerman	Hoyer
Andrews	Jackson (IL)
Baldwin	Jackson-Lee
Berkley	(TX)
Berman	Jefferson
Brady (PA)	Johnson (CT)
Brown (OH)	Johnson, E. B.
Brown, Corrine	Jones (OH)
Capps	Kanjorski
Capuano	Kilpatrick
Case	Kolbe
Clay	Kucinich
Clyburn	Lantos
Conyers	Larsen (WA)
Crowley	Larson (CT)
Cummings	Lee
Davis (AL)	Levin
Davis (CA)	Lewis (GA)
Davis (IL)	Lofgren
DeGette	Lowe
DeLauro	Majette
Dingell	Maloney
Doggett	Markey
Doyle	Matsui
Emanuel	McCarthy (MO)
Engel	McDermott
Eshoo	McGovern
Evans	Meehan
Farr	Meek (FL)
Fattah	Meeke (NY)
Filner	Menendez
Ford	Millender
Frank (MA)	McDonald
Gonzalez	Miller, George
Engel	Mollohan
Grijalva	Moran (VA)
Gutierrez	Murtha
Harman	Nadler
Holt	

NOT VOTING—14

Bell	Collins	LaHood
Berry	Deutsch	Quinn
Bishop (GA)	Gephardt	Sanders
Blumenauer	Hastings (FL)	Tauzin
Carson (IN)	Hinchee	

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1631

Ms. CORRINE BROWN of Florida and Mr. SHAYS changed their vote from “aye” to “no.”

Mr. ENGLISH and Mr. HOLDEN changed their vote from “no” to “aye.”

Mr. ABERCROMBIE changed his vote from “present” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gen-

tleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 278, not voting 16, as follows:

[Roll No. 341]

AYES—139

Akin	Gibbons	Neugebauer
Baker	Gingrey	Ney
Barrett (SC)	Goode	Norwood
Bartlett (MD)	Goodlatte	Nussle
Beauprez	Goss	Otter
Bilirakis	Graves	Paul
Bishop (UT)	Green (WI)	Pearce
Blackburn	Greenwood	Pence
Blunt	Gutknecht	Petri
Bonner	Harris	Pickering
Boozman	Hayes	Pitts
Bradley (NH)	Hayworth	Platts
Brady (TX)	Hefley	Pombo
Brown-Waite,	Hensarling	Portman
Ginny	Herger	Putnam
Burgess	Hoekstra	Ramstad
Burns	Hostettler	Rehberg
Buyer	Hulshof	Renzi
Camp	Hunter	Rogers (AL)
Cantor	Isakson	Rohrabacher
Carson (OK)	Issa	Royce
Carter	Istook	Ryan (WI)
Castle	Jenkins	Ryun (KS)
Chabot	Johnson, Sam	Schrock
Chandler	Jones (NC)	Sensenbrenner
Chocola	Keller	Sessions
Coble	Kelly	Shadegg
Cole	Kennedy (MN)	Shaw
Cox	King (IA)	Shays
Crane	Kingston	Shimkus
Cubin	Kline	Shuster
Culberson	Latham	Simpson
Cunningham	Lewis (KY)	Smith (MI)
Davis, Jo Ann	Lucas (OK)	Smith (TX)
Deal (GA)	Manzullo	Souder
DeLay	Matheson	Stearns
DeMint	McCotter	Sullivan
Doolittle	McCreery	Tancredo
Duncan	McHugh	Tanner
Emerson	McInnis	Taylor (MS)
Everett	Mica	Thornberry
Feeney	Miller (FL)	Toomey
Foley	Miller (MI)	Upton
Forbes	Miller, Gary	Vitter
Franks (AZ)	Moran (KS)	Wamp
Gallely	Musgrave	Wilson (SC)
Garrett (NJ)	Myrick	

NOES—278

Abercrombie	Boyd	Davis (CA)
Ackerman	Brady (PA)	Davis (FL)
Aderholt	Brown (OH)	Davis (IL)
Alexander	Brown (SC)	Davis (TN)
Allen	Brown, Corrine	Davis, Tom
Andrews	Burr	DeFazio
Baca	Burton (IN)	DeGette
Bachus	Calvert	Delahunt
Baird	Cannon	DeLauro
Baldwin	Capito	Diaz-Balart, L.
Ballenger	Capps	Diaz-Balart, M.
Barton (TX)	Capuano	Dicks
Bass	Cardin	Dingell
Becerra	Cardoza	Doggett
Bereuter	Case	Dooley (CA)
Berkley	Clay	Doyle
Berman	Clyburn	Dreier
Biggert	Conyers	Dunn
Bishop (NY)	Cooper	Edwards
Boehlert	Costello	Ehlers
Boehner	Cramer	Emanuel
Bonilla	Crenshaw	Engel
Bono	Bono	Crowley
Boswell	Cummings	Eshoo
Boucher	Davis (AL)	Etheridge

Evans  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Gerlach  
Gilchrest  
Gillmor  
Gonzalez  
Gordon  
Granger  
Green (TX)  
Grijalva  
Gutierrez  
Hall  
Harman  
Hart  
Hastings (WA)  
Herseth  
Hill  
Hinojosa  
Hobson  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hyde  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)

Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McNulty  
Meekhan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murphy  
Murtha  
Nadler  
Neal (MA)  
Nethercutt  
Northup  
Nunes  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Radanovich  
Rahall  
Rangel  
Reyes  
Reynolds  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross

Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Sherwood  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Sweeney  
Tauscher  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

## NOT VOTING—16

Bell  
Berry  
Bishop (GA)  
Blumenauer  
Carson (IN)  
Collins

Deutsch  
Gephardt  
Hastings (FL)  
Hinchev  
LaHood  
Napolitano

Peterson (PA)  
Quinn  
Tauzin  
Young (AK)

## ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1639

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NAPOLITANO. Mr. Chairman, on rollcall No. 341, had I been present, I would have noted "no."

## AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gen-

tleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 291, not voting 13, as follows:

[Roll No. 342]

AYES—129

Akin  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Bilirakis  
Bishop (UT)  
Blackburn  
Bonner  
Boozman  
Bradley (NH)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Camp  
Cannon  
Cantor  
Carter  
Chabot  
Chocola  
Coble  
Costello  
Cox  
Cramer  
Crane  
Culberson  
Cunningham  
Davis, Jo Ann  
Deal (GA)  
DeLay  
DeMint  
Duncan  
Everett  
Feeney  
Flake  
Forbes  
Fossella  
Franks (AZ)  
Garrett (NJ)  
Gibbons  
Gillmor

Gingrey  
Goode  
Goodlatte  
Gordon  
Graves  
Green (WI)  
Gutknecht  
Hall  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Isakson  
Istook  
Jenkins  
Johnson, Sam  
Jones (NC)  
Keller  
Kennedy (MN)  
King (IA)  
Kingston  
Kline  
Lewis (KY)  
Linder  
Manullo  
McCotter  
McCrary  
McInnis  
McIntyre  
McKeon  
Mica  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Murphy  
Muscgrave  
Myrick

Neugebauer  
Ney  
Norwood  
Osborne  
Otter  
Paul  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Platts  
Pombo  
Ramstad  
Rehberg  
Renzi  
Rogers (AL)  
Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (MI)  
Souder  
Stearns  
Sullivan  
Tancredo  
Taylor (MS)  
Thornberry  
Tiahrt  
Toomey  
Vitter  
Walden (OR)  
Wamp  
Whitfield  
Wilson (SC)  
Young (AK)

NOES—291

Abercrombie  
Ackerman  
Aderholt  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baldwin  
Ballenger  
Beauprez  
Becerra  
Bereuter  
Berkley  
Berman  
Biggart  
Bishop (NY)  
Blunt  
Boehler  
Boehner  
Bonilla  
Bono  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)

Brown (OH)  
Brown (SC)  
Brown, Corrine  
Burns  
Burr  
Calvert  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (OK)  
Case  
Castle  
Chandler  
Clay  
Clyburn  
Cole  
Conyers  
Cooper  
Crenshaw  
Crowley  
Cubin  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)

Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doolittle  
Doyle  
Dreier  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Ferguson

Filner  
Foley  
Ford  
Frank (MA)  
Frelinghuysen  
Frost  
Gallegly  
Gerlach  
Gilchrest  
Gonzalez  
Goss  
Granger  
Green (TX)  
Greenwood  
Grijalva  
Gutierrez  
Harman  
Harris  
Herseth  
Hill  
Hinojosa  
Hobson  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hyde  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kelly  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren

Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Northup  
Nunes  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Ose  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pearce  
Pelosi  
Pickering  
Pitts  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Rangel  
Regula  
Reyes  
Reynolds  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross

Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Shaw  
Shaun  
Sherman  
Sherwood  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Sweeney  
Tanner  
Tauscher  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walsh  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Wicker  
Wilson (NM)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

NOT VOTING—13

Bell  
Berry  
Bishop (GA)  
Blumenauer  
Carson (IN)  
Collins  
Deutsch  
Gephardt  
Hastings (FL)  
Hinchev

## ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1647

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding the U.S. Court of Federal Claims on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 67, noes 347, not voting 19, as follows:

[Roll No. 343]

AYES—67

Bartlett (MD)	Hastings (WA)	Pence
Beauprez	Hefley	Petri
Bishop (UT)	Hensarling	Pitts
Blackburn	Herger	Ramstad
Bradley (NH)	Hunter	Rehberg
Chabot	Isakson	Rohrabacher
Coble	Johnson, Sam	Royce
Cubin	Jones (NC)	Ryan (WI)
Davis, Jo Ann	Keller	Ryan (KS)
Deal (GA)	Kingston	Sensenbrenner
DeMint	Kline	Sessions
Duncan	Lewis (KY)	Shadegg
Everett	Manzullo	Smith (MI)
Feeney	McInnis	Stearns
Flake	Mica	Tancredo
Franks (AZ)	Miller (FL)	Terry
Gallegly	Miller, Gary	Toomey
Garrett (NJ)	Musgrave	Udall (CO)
Goode	Myrick	Visclosky
Goodlatte	Neugebauer	Visclosky
Graves	Norwood	Vitter
Green (WI)	Otter	Young (AK)
Gutknecht	Paul	

NOES—347

Abercrombie	Carter	Forbes
Ackerman	Case	Ford
Aderholt	Castle	Fossella
Akin	Chandler	Frank (MA)
Alexander	Chocola	Frelinghuysen
Allen	Clay	Frost
Andrews	Clyburn	Gerlach
Baca	Cole	Gibbons
Bachus	Conyers	Gilchrest
Baird	Cooper	Gillmor
Baker	Costello	Gingrey
Baldwin	Cox	Gonzalez
Balenger	Cramer	Gordon
Barrett (SC)	Crane	Goss
Barton (TX)	Crenshaw	Granger
Bass	Crowley	Green (TX)
Becerra	Culberson	Greenwood
Bereuter	Cummings	Grijalva
Berkley	Cunningham	Gutierrez
Berman	Davis (AL)	Hall
Biggart	Davis (CA)	Harman
Bilirakis	Davis (FL)	Harris
Bishop (NY)	Davis (IL)	Hart
Blunt	Davis (TN)	Hayes
Boehlert	Davis, Tom	Hayworth
Boehner	DeFazio	Herseth
Bonilla	DeGette	Hill
Bonner	Delahunt	Hinojosa
Bono	DeLauro	Hobson
Boozman	DeLay	Hoeffel
Boswell	Diaz-Balart, L.	Hoekstra
Boucher	Diaz-Balart, M.	Holden
Boyd	Dicks	Holt
Brady (PA)	Dingell	Honda
Brown (OH)	Doggett	Hooley (OR)
Brown (SC)	Dooley (CA)	Hostettler
Brown, Corrine	Doolittle	Houghton
Brown-Waite,	Doyle	Hoyer
Ginny	Dreier	Hulshof
Burns	Dunn	Hyde
Burr	Edwards	Inslee
Burton (IN)	Ehlers	Israel
Buyer	Emanuel	Issa
Calvert	Emerson	Istook
Camp	Engel	Jackson (IL)
Cannon	English	Jackson-Lee
Cantor	Eshoo	(TX)
Capito	Etheridge	Jefferson
Capps	Evans	Jenkins
Capuano	Farr	John
Cardin	Fattah	Johnson (CT)
Cardoza	Ferguson	Johnson (IL)
Carson (OK)	Filner	Johnson, E. B.
	Foley	Kanjorski

Kaptur	Murphy	Scott (VA)
Kelly	Murtha	Serrano
Kennedy (MN)	Nadler	Shaw
Kennedy (RI)	Napolitano	Shays
Kildee	Neal (MA)	Sherman
Kilpatrick	Nethercutt	Sherwood
Kind	Ney	Shimkus
King (IA)	Northup	Shuster
King (NY)	Nunes	Simmons
Kleczka	Nussle	Simpson
Knollenberg	Oberstar	Skelton
Kolbe	Obey	Slaughter
Lampson	Olver	Smith (NJ)
Langevin	Ortiz	Smith (TX)
Lantos	Osborne	Smith (WA)
Larsen (WA)	Ose	Snyder
Larson (CT)	Owens	Solis
Latham	Oxley	Souder
LaTourette	Pallone	Spratt
Leach	Pascrell	Stark
Lee	Pastor	Stenholm
Levin	Payne	Strickland
Lewis (CA)	Pearce	Stupak
Lewis (GA)	Pelosi	Sullivan
Linder	Peterson (MN)	Sweeney
Lipinski	Peterson (PA)	Tanner
LoBiondo	Pickering	Tauscher
Lofgren	Platts	Taylor (MS)
Lowe	Pombo	Taylor (NC)
Lucas (KY)	Pomeroy	Thomas
Lucas (OK)	Porter	Thompson (CA)
Lynch	Portman	Thompson (MS)
Majette	Price (NC)	Thornberry
Maloney	Pryce (OH)	Tiaht
Markey	Putnam	Tiberi
Marshall	Radanovich	Tierney
Matheson	Rahall	Towns
Matsui	Rangel	Turner (OH)
McCarthy (MO)	Regula	Turner (TX)
McCarthy (NY)	Renzi	Udall (NM)
McColum	Reyes	Upton
McCotter	Rodriguez	Van Hollen
McCrey	Rogers (AL)	Velázquez
McDermott	Rogers (KY)	Walden (OR)
McGovern	Rogers (MI)	Walsh
McHugh	Ros-Lehtinen	Wamp
McIntyre	Ross	Waters
McKeon	Rothman	Watson
McNulty	Roybal-Allard	Watt
Meehan	Ruppersberger	Waxman
Meek (FL)	Rush	Weiner
Meeks (NY)	Ryan (OH)	Weldon (FL)
Menendez	Sabo	Weldon (PA)
Michaud	Sánchez, Linda	Wexler
Millender-	T.	Whitfield
McDonald	Sanchez, Loretta	Wicker
Miller (MI)	Sanders	Wilson (NM)
Miller (NC)	Sandlin	Wilson (SC)
Miller, George	Saxton	Wolf
Mollohan	Schakowsky	Woolsey
Moore	Schiff	Wu
Moran (KS)	Schrock	Wynn
Moran (VA)	Scott (GA)	Young (FL)

NOT VOTING—19

Bell	Deutsch	LaHood
Berry	Gephardt	Quinn
Bishop (GA)	Hastings (FL)	Reynolds
Blumenauer	Hinchey	Tauzin
Brady (TX)	Jones (OH)	Weller
Carson (IN)	Kirk	
Collins	Kucinich	

ANNOUNCEMENT OFFERED BY MR. HEFLEY

The CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 343 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding an across-the-board cut of total appropriations, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 327, not voting 25, as follows:

[Roll No. 344]

AYES—81

Akin	Flake	Neugebauer
Baker	Fossella	Norwood
Barrett (SC)	Franks (AZ)	Otter
Bartlett (MD)	Garrett (NJ)	Paul
Barton (TX)	Gibbons	Pence
Bass	Graves	Petri
Beauprez	Gutknecht	Pitts
Bilirakis	Hall	Ramstad
Bishop (UT)	Hayworth	Rogers (MI)
Blackburn	Hefley	Rohrabacher
Brady (TX)	Hensarling	Royce
Burgess	Herger	Rush
Burton (IN)	Hoekstra	Ryan (WI)
Capuano	Hostettler	Ryan (KS)
Chabot	Issa	Sensenbrenner
Chocola	Jenkins	Sessions
Coble	Johnson, Sam	Shadegg
Cox	Jones (NC)	Shimkus
Crane	Keller	Stearns
Cubin	King (IA)	Tancredo
Deal (GA)	Lewis (KY)	Tanner
DeMint	Linder	Taylor (MS)
Diaz-Balart, M.	McInnis	Terry
Doggett	Mica	Thornberry
Duncan	Miller (FL)	Toomey
Everett	Miller, Gary	Vitter
Feeney	Musgrave	Wilson (SC)

NOES—327

Abercrombie	Clyburn	Gonzalez
Ackerman	Cole	Goode
Aderholt	Conyers	Goodlatte
Alexander	Cooper	Gordon
Allen	Costello	Goss
Andrews	Cramer	Granger
Baca	Crenshaw	Green (TX)
Bachus	Crowley	Green (WI)
Baird	Cummings	Grijalva
Baldwin	Cunningham	Gutierrez
Ballenger	Davis (AL)	Harman
Becerra	Davis (CA)	Harris
Bereuter	Davis (IL)	Hart
Berkley	Davis (TN)	Hastings (WA)
Berman	Davis, Jo Ann	Hayes
Biggart	Davis, Tom	Herseth
Bishop (NY)	DeFazio	Hill
Blunt	DeGette	Hinojosa
Boehner	Delahunt	Hobson
Bonilla	DeLauro	Hoeffel
Bonner	DeLay	Holden
Bono	Dicks	Holt
Boozman	Dingell	Honda
Boswell	Dooley (CA)	Hooley (OR)
Boucher	Doolittle	Houghton
Boyd	Doyle	Hoyer
Bradley (NH)	Dreier	Hulshof
Brady (PA)	Dunn	Hunter
Brown (OH)	Edwards	Hyde
Brown (SC)	Ehlers	Inslee
Brown, Corrine	Emanuel	Israel
Brown-Waite,	Emerson	Istook
Ginny	Engel	Jackson (IL)
Burns	English	Jackson-Lee
Burr	Etheridge	(TX)
Buyer	Evans	Jefferson
Calvert	Farr	John
Camp	Fattah	Johnson (CT)
Cannon	Ferguson	Johnson (IL)
Cantor	Filner	Johnson, E. B.
Capito	Foley	Jones (OH)
Capps	Forbes	Kanjorski
Cardin	Frank (MA)	Kelly
Cardoza	Frelinghuysen	Kennedy (MN)
Carson (OK)	Frost	Kennedy (RI)
Carter	Gallegly	Kildee
Case	Gerlach	Kilpatrick
Castle	Gilchrest	Kind
Chandler	Gillmor	King (NY)
Clay	Gingrey	Kingston

Kirk	Neal (MA)	Shays
Klecza	Nethercutt	Sherman
Kline	Ney	Sherwood
Knollenberg	Northup	Shuster
Kolbe	Nunes	Simmons
Kucinich	Nussle	Simpson
Lampson	Oberstar	Skelton
Langevin	Obey	Slaughter
Lantos	Olver	Smith (MI)
Larsen (WA)	Ortiz	Smith (NJ)
Larson (CT)	Osborne	Smith (TX)
Latham	Ose	Smith (WA)
LaTourette	Owens	Snyder
Leach	Oxley	Solis
Lee	Pallone	Souder
Levin	Pascarell	Spratt
Lewis (CA)	Pastor	Stark
Lewis (GA)	Payne	Stenholm
LoBiondo	Pearce	Strickland
Lofgren	Pelosi	Sullivan
Lowey	Peterson (MN)	Sweeney
Lucas (KY)	Peterson (PA)	Tauscher
Lucas (OK)	Pickering	Taylor (NC)
Lynch	Platts	Thomas
Majette	Pombo	Thompson (CA)
Maloney	Pomeroy	Thompson (MS)
Manzullo	Porter	Tiahrt
Markey	Portman	Tiberi
Marshall	Price (NC)	Tierney
Matheson	Pryce (OH)	Towns
Matsui	Putnam	Turner (OH)
McCarthy (MO)	Radanovich	Turner (TX)
McCarthy (NY)	Rahall	Turner (CO)
McCollum	Rangel	Udall (NM)
McCotter	Regula	Udall (NM)
McCrary	Rehberg	Upton
McDermott	Renzi	Van Hollen
McGovern	Reyes	Velázquez
McHugh	Reynolds	Vislosky
McIntyre	Rodriguez	Walden (OR)
McKeon	Rogers (AL)	Walsh
McNulty	Rogers (KY)	Wamp
Meehan	Ros-Lehtinen	Waters
Meek (FL)	Ross	Watson
Meeks (NY)	Rothman	Watt
Menendez	Roybal-Allard	Waxman
Michaud	Ruppersberger	Weiner
Millender-	Sabo	Weldon (FL)
McDonald	Sánchez, Linda	Weldon (PA)
Miller (MI)	T.	Weller
Miller (NC)	Sánchez, Loretta	Wexler
Miller, George	Sanders	Whitfield
Mollohan	Sandlin	Wicker
Moore	Saxton	Wilson (NM)
Moran (KS)	Schakowsky	Wolf
Moran (VA)	Schiff	Woolsey
Murphy	Schrock	Wu
Murtha	Scott (GA)	Wynn
Myrick	Scott (VA)	Young (AK)
Nadler	Serrano	Young (FL)
Napolitano	Shaw	

## NOT VOTING—25

Bell	Deutsch	Kaptur
Berry	Diaz-Balart, L.	LaHood
Bishop (GA)	Eshoo	Lipinski
Blumenauer	Ford	Quinn
Boehert	Gephardt	Ryan (OH)
Carson (IN)	Greenwood	Stupak
Collins	Hastings (FL)	Tauzin
Culberson	Hinchev	
Davis (FL)	Isakson	

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
Two minutes remain in this vote.

□ 1701

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OSBORNE. Mr. Chairman, I appreciate the hard work of the members of the committee, and of Chairman FRANK WOLF and Ranking Member JOSÉ SERRANO on H.R. 4754.

Caseloads for U.S. district judges in Nebraska have climbed steadily. In fact, criminal cases have more than doubled since 1995.

Like many other states in the Midwest, Nebraska has been plagued in recent years by an influx of methamphetamine (meth), and criminal cases involving meth represent a significant increase in Nebraska's drug docket.

Interstate 80, which runs the length of the state of Nebraska, is one of the primary transit routes used for drug trafficking across the central United States.

Nebraska's ability to prosecute interstate drug trafficking affects the whole country.

In fact, Nebraska's judges carry a heavier criminal caseload than judges in New York City, Chicago, and Los Angeles.

Mr. Chairman, while I am grateful for the increased funding provided in this bill for the federal court system, the substantial increase in Nebraska's criminal trials leaves Nebraska's federal judges with impossibly heavy caseloads.

I also appreciate the generous funding the CJSJ committee has allocated in the last several years towards fighting meth in Nebraska. These funds have made a significant difference.

My colleague from Nebraska, Mr. BEREUTER, has introduced H.R. 4301, to authorize an additional district judgeship for the district of Nebraska.

The Senate has already passed legislation that included Nebraska in the list of judgeships to be made permanent and I am hopeful the House will do the same.

A fourth judgeship is critically important to Nebraska, and without it, criminal cases will move more slowly and handling civil cases will become increasingly burdensome.

I support and urge passage of the underlying appropriations bill and I look forward to continuing to work with the authorizing committee to address the judgeship issue in Nebraska.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Flake-Davis-Emerson-Delahunt amendment to the Commerce, State & Justice Appropriations bill. This bipartisan amendment would de-fund Commerce Department enforcement of its new anti-family regulations. These regulations set greater limitations on gift parcels that Cuban-Americans are allowed to send to their family members. Gift parcels are no longer allowed to contain such humanitarian aid items as clothing, seeds, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment. Additionally, this regulation limits the delivery of gift parcels to Cuba to once per month per household, instead of once per month per individual recipient. The gift parcels can only be sent to the immediate family of a donor: grandparents, grandchildren, parents, siblings, spouses or children. All cousins, uncles, aunts, nieces, or nephews, or in-laws are excluded.

According to the Commission for Assistance to a Free Cuba, appointed by President Bush, gift parcels "decrease the burden of the Castro regime to provide for the basic needs of its people" which therefore allows the regime to "dedicate more of its limited resources to strengthening its repressive apparatus." This is ludicrous. The reality is that there are many Cubans living in poverty whose only way of getting necessary living materials—soap, clothes, sustenance supplies—is through gift parcels from their relatives residing in the United States.

This regulation is a human rights travesty; it directly hurts Cuban people and their concerned Cuban-American relatives. Family ties stretch across borders, despite foreign policy mandates, and denying family members from sending aid to their relatives does not only

show complete disregard to the value of human rights, but also to the value of the family institution. Support the Flake-Davis-Emerson-Delahunt amendment to de-fund Commerce Department enforcement of its anti-family regulations.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to urge my colleagues to vote in favor of H.R. 4754; Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005. This bill includes a very important amendment that will address the inaccessibility to affordable capital for small businesses. This bill also includes important funding increases for the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

One of the biggest problems that small businesses in Puerto Rico and on the mainland face is access to affordable capital. The 7(a) loan program is the Small Business Administrations' core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. This public-private partnership provides important financing for our nation's small business at a good value for the American taxpayer. This means there can be more loans, more small businesses and greater job creation. These loans are the only source of affordable, long-term financing for many of our nation's small businesses. The continuation of this program is fundamental to a sound economic recovery.

The CJS Appropriations Act also includes \$1.66 billion for the Drug Enforcement Administration. This represents a \$77 million increase above the Fiscal Year '04 funding. These funds will go to keep drugs off our streets and out of the hands of our children. Additionally, it contains \$870 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, representing a \$43 million increase over fiscal 2004 funding. These necessary additions will provide for a safer society.

I urge my colleagues to vote "yes" on the passage of H.R. 4754.

Mr. UDALL of Colorado. Mr. Chairman, I rise in reluctant support of this bill.

Parts of the bill advance good policy.

The most welcome provision in the bill is the \$106 million included for the Manufacturing Extension Program (MEP), a program the Administration has tried to eliminate for several years. Last year, MEP served more than 18,000 small manufacturers across the country. In 2002, MEP assistance resulted in \$2.79 billion in increased/retained sales, \$681 million in cost savings, \$940 million investment in modernization, and 32,000 jobs created and retained. Every federal dollar appropriated for MEP leverages \$2 in state and private-sector funding, which means that a small federal investment of \$106 million translates into billions of dollars in benefits for the economy in terms of jobs created and retained, investment, and sales. While it is overdue, the appropriators' acknowledgement of MEP's importance is welcome—especially as manufacturers continue to experience tough economic times.

The bill also provides essential funding for the Department of Justice, the FBI, and the Drug Enforcement Administration, as well as for Office of Justice programs such as the State Criminal Alien Assistance program.

The bill improves on the President's request in some cases. It includes funding for the

Community Oriented Policing Services (COPS) program and state and local law enforcement assistance—less than the current funding level for these programs, but at much higher levels than the request. I do hope that conferees will see fit to increase funding to current levels for these programs in the final version of the bill.

On the international side, I'm pleased that the bill increases funding for education and cultural exchange programs, which are the most effective public diplomacy programs we can fund, and that it directs the State Department to establish a new permanent office to plan for reconstruction and post-conflict stability, making clear the preeminent role of the State Department—not the Pentagon—in such planning.

The bill also includes important language prohibiting any funds from being used in any way to support or justify the use of torture by any U.S. government official or contract employee. It also directs the Justice Department's Inspector General to submit a report to Congress detailing all internal and interagency documents regarding the obligation to the U.S. under the Geneva Conventions and related international agreements. I'm glad that the House supports this critical provision on a bipartisan basis, as the Administration to date has refused to provide these documents.

But I only reluctantly support this bill for the reasons I have expressed year after year—namely, that it attacks the Department of Commerce laboratories in my district in Colorado, the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).

The trend of cutting these agencies to the bone continues. It continues 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, the NIST and NOAA laboratories will see more jobs lost and more cuts in funding. The bill cuts NIST fully 15 percent from last year's levels. Funding for NIST's Scientific and Technical Research and Services (STRS)—at \$376 million—is at least 9 percent below the request. Never mind that the Manufacturing Technology Competitiveness Act, which the House will pass this week, includes \$425 million in FY2005 for STRS. The bill includes funding for important construction projects, but at levels 18 percent below the request.

The bill reduces NOAA funding by \$543 million—a 15 percent cut from FY2004 levels. The office of Oceanic and Atmospheric Research (OAR), which funds the important work being conducted in the labs in my district, is funded at \$319 million in the bill—12 percent below the request level, and 16 percent below FY2004 levels. The bill zeros out funding for Abrupt Climate Research and Paleoclimate research, and the overall NOAA budget for climate and global change research has been reduced by an additional \$6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change—something the president has said is a priority for his administration.

In addition to concerns about reduced funding for NOAA, I am also concerned about language included in the bill's report. The report notes: "The Committee continues to believe that resource limitations require NOAA to act expeditiously on laboratory consolidation. The

Research Review Team report provides a necessary first step toward rationalization of the enterprise-wide research effort." As far as I am aware, the Committee has never provided a definition for "laboratory consolidation." If done because of "resource limitations," it seems to me that "consolidation" is just a code word for program elimination. I will continue to fight to ensure that before NOAA takes any steps in this direction, it must provide Congress with further explanation as to the reasons for and outcomes expected from such action.

Mr. Chairman, clearly I have deep concerns about the parts of this bill that affect my district and that affect science and technology funding at the Department of Commerce. But the bill includes funding for many other deserving programs. So I will vote for this bill, and will work to see that it is improved in conference.

Mr. SHAYS. Mr. Chairman, I rise in opposition to the Paul Amendment on UNESCO.

During a speech before the UN General Assembly on September 12, 2002, President Bush announced that the United States would return to UNESCO. I support the President's decision, and I oppose efforts to prohibit funding to the organization.

Rejoining UNESCO reflects our national understanding that the body has a decisive role in advancing U.S. foreign policy goals. These goals include promoting education and understanding in areas of the world where desperate populations are susceptible to the preaching of those who would seek to destroy our Nation.

UNESCO is actively pursuing the UN's Millennium Development Goals, including achieving universal primary education in all countries by 2015; eliminating gender disparity in primary and secondary education by 2005; helping countries implement a national strategy for sustainable development by 2005; and reversing current trends in the loss of environmental resources by 2015.

Why wouldn't the United States want to be an active participant and contributor to this process?

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the UN and rejoin UNESCO.

Prohibiting funding sends a particularly bad message to the global community at a time when international support is needed for many of our initiatives, including the war on terror.

As a contributor and participant, the United States is granted owner to influence UNESCO's goals, programs and management. We should not pass up that opportunity.

Ms. HERSETH. Mr. Chairman, yesterday the House of Representatives narrowly defeated an amendment to the fiscal year 2005 Commerce, Justice and State Appropriations bill that would have increased funding for the Community Oriented Policing Services (COPS) program by \$106 million.

I voted in favor of this amendment because I believe it is critical to restore cuts that this bill makes to the COPS program. COPS has been a critical part of our nation's effort to put more police officers on the streets in order to reduce crime and improve homeland security. Given the increased security needs our country faces, there is no question that the COPS program is needed now more than ever.

This was a difficult vote because funding to pay for this amendment was taken from the

Census Bureau, which is charged with the important responsibility of counting the American population. I fully support the mission of the Census Bureau. It is particularly important to ensure that the Bureau has the resources it needs to count hard-to-find populations, including Native Americans in South Dakota. Because of inadequate housing and high levels of poverty, Native Americans are traditionally undercounted by the Census. This means that they often do not receive their fair share of federal resources desperately needed to provide jobs, health care and education.

It is important to note that this bill provides the Census Bureau with a \$149 million increase in funding over last year's level. The amendment would have shifted \$106 million of these funds to the COPS program, thus restoring COPS to last year's level of funding while still providing the Census Bureau with an overall increase in funding. I felt that this approach was fair, and that it would improve homeland security and public safety while still ensuring that the Census can carry out its mission.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to express my disappointment with the wholly inadequate level of funding in the Departments of Commerce, Justice, and State Appropriations bill for Fiscal Year 2005 for grants to combat violence against women. Women in this country are in the midst of a crisis, continuing to be terrorized by sexual assault, domestic violence, and stalking, and the situation is not getting much better. According to the Centers for Disease Control and Prevention, at least one out of every six women and girls in the United States will have been beaten or sexually abused in her lifetime.

So what is the Republican leadership's response? According to this bill, it is to cut funding for grants to states to combat violence against women. This bill closely follows the President's request and cuts VAWA funding by 1 percent from last year's levels down to \$383.5 million. Funding for Violence Against Women Act (VAWA) programs in the Department of Justice, programs which serve to protect older and disabled women from violence, to provide transitional housing for women fleeing abusive partners, to protect students on campus from sexual assault, to reduce stalking, remains \$55 million short of full funding. This is simply unacceptable.

We have the money in this country to help every woman who is raped, to provide counseling and services to every family trying to overcome domestic violence, to train police officers to help victims of stalking—yet the President's budget chooses not to do this. Instead, the Republican majority chooses to spend more of our money on tax cuts for the wealthy.

I go back to my district and I see women who have worked so hard to survive domestic abuse and sexual assault. I meet families who have lost a mother or a sister to domestic violence. When they ask me—what is my government doing to help me? What is my government doing to make sure this doesn't happen to another woman?—I will have to tell them that the government is not doing nearly enough. The Republican leadership is cutting funding for programs to prevent violence against women. This is a disgrace.

Mrs. CAPPS. Mr. Chairman, while I rise in support of the FY05 Commerce, Justice, State appropriations bill, I am deeply disappointed in



the significant cuts proposed to the National Oceanic and Atmospheric Administration budget.

As you know, the 23rd Congressional District, on California's Central Coast, is an incredibly diverse and productive coastal and marine area.

Tourism and commercial and recreational fishing are major industries on the Central Coast and a staple of our local economy. The money spent by tourists and the fish caught by fisherman pay the bills and put food on the table for the people living in these communities.

Unfortunately, they know better than anyone that our oceans and coasts are facing a greater array of problems than ever before.

The impact of coastal development, pollution and some fishing practices have led to declining prospects for many of our oceans, coasts and marine life.

With the recent release of the Pew Oceans Commission report and the U.S. Commission on Ocean Policy report, we have an unprecedented opportunity to move forward to dramatically reform ocean policy.

That's why investment in our nation's coasts and oceans is needed now.

Sadly, the bill before us proposes over \$400 million in cuts—that's a 15 percent cut—to the agency in charge of caring for and managing these assets. I am particularly worried by the decrease in funds proposed for the National Ocean Service and the National Marine Fisheries Service.

The National Ocean Service is the primary federal agency working to protect and manage America's coastal waters and habitats. Unfortunately, this bill proposes a debilitating cut of \$160 million from 2004 enacted levels.

Critical National Ocean Service programs have been severely cut, including activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal estuaries and reducing coastal pollution.

These cuts will cripple the agency and will impact all Americans who use our beaches and coastal waters for swimming, boating and recreation, in addition to threatening the 3 million U.S. jobs that our coasts and oceans support.

Mr. Chairman, I am also concerned by the proposed cuts to the National Marine Fisheries Service. The \$96 million in cuts from the 2004 enacted level will further jeopardize our already troubled commercial and recreational fisheries.

While the bill does provide additional funds for expanding fisheries stock assessments, it fails to make available critical dollars for fishery observer programs, cooperative research, essential fish habitat protection, and efforts to conserve protected species like marine mammals and sea turtles.

Mr. Chairman, I recognize the Subcommittee has difficult choices to make this year. And, I appreciate the Chairman and Ranking Member's commitment to work toward rectifying the funding levels for NOAA in the final bill.

However, the verdict is in—our oceans and coasts are in trouble.

We need to invest in our oceans to ensure that future generations will be able to enjoy clean beaches, healthy seafood, abundant ocean wildlife, and thriving coastal communities.

As we move into conference, I look forward to working with my colleagues on the Subcommittee to address the challenges and threats confronting our oceans and coasts.

Mr. FARR. Mr. Chairman, today this House considers the Commerce, Justice, and State Appropriations bill. I rise to speak on the Commerce portion of the bill—and more specifically, the massive cuts in funding for National Oceanic and Atmospheric Administration (NOAA) programs.

Sadly, the bill we debate today cuts NOAA funding by 15 percent when compared to fiscal year 2004 levels. The decision to cut the funding of vital NOAA programs flies in the face of two in-depth oceans studies, The Preliminary Report of the U.S. Commission on Ocean Policy and the Pew Oceans Commission Report, both released during the past year. These two reports document the crises facing our oceans—crises, as noted by the reports, which require attention now. Today. Unfortunately, instead of using the findings of the two reports to take steps forward, we will in fact be taking many steps backward if we decide to under-fund NOAA programs, especially those within the National Ocean Service and the National Marine Fisheries Service.

Before I speak about some of the specific programs hardest hit, I want to thank CJS Chairman WOLF and Ranking Member SERRANO for the commitment they made during full committee mark-up to work to increase the funding levels for conservation programs, particularly programs within the National Ocean Service and the National Marine Fisheries Service, during conference with the Senate. I am grateful that they have acknowledged the importance of increasing the funding levels. I also thank Ranking Member OBEY for stating his concerns regarding the NOAA funding cuts.

As a co-chair of the House Oceans Caucus, I helped to lead a bi-partisan letter that garnered a total of 59 signatures supporting a variety of NOAA programs, including state coastal zone management grants, coastal nonpoint and community resource grants, the national estuarine research reserve system, the coastal and estuarine land conservation program, the national marine sanctuary system, coral reef conservation, ocean exploration, fisheries research and observer programs, marine mammal protection, and invasive species initiatives, among others. This letter was not for parochial projects; it was for national programs for this Country's largest public trust resource—our oceans. Despite this letter, the bill in front of us today actually cuts the funding levels of many of the programs we specifically noted were important to protect.

Mr. Chairman, let me highlight some of the most severe cuts and briefly discuss the likely consequences of the cuts.

When combining the cuts from decreases in coastal zone management grants and coastal nonpoint pollution grants—both of which are important to state efforts to address threats to the coastal ocean—many states will be left scrambling. For example, Florida will have a net loss of \$345,000; Virginia a net loss of \$620,000; and my state of California will lose \$620,000. These numbers may not seem like high dollar amounts since we are used to dealing in millions; however, the states rely on these funds and it is unfortunate that we can't provide them.

Cooperative Fisheries Research programs have been dealt a huge blow—going from an

FY04 enacted level of \$19.9 million to \$5 million in the bill before us. Cooperative Research programs bring scientists together with the fishing community to foster trust and to conduct collaborative studies aimed at better understanding our fisheries resources. If we are serious about resolving over-fishing issues, we cannot afford to cut a program that brings together the critical players.

Lastly, I am deeply concerned by the funding levels for marine mammal protection. Under the funding levels put forth in the bill, the National Marine Fisheries Service will not be able to fund top priority studies as identified by the multi-stakeholder Take Reduction Teams; the agency won't be able to conduct research on marine mammal population trends, health, and demographics; and sadly, the National Marine Fisheries Service will not be able to carry out marine mammal education or enforcement programs. Another unfortunate aspect of the bill in front of us today is that funding for the marine mammal health and stranding response program was zeroed out last year and the funds were not restored in this year's bill. This program funds investigations of die-offs of large numbers of marine mammals, including a recent bottlenose dolphin die-off in Florida that involved more than 100 animals. Without the restoration of this program, we lose the opportunity to study marine mammals during die-off events.

Mr. Chairman, our oceans are this Country's largest public trust resource. When are we going to start treating them as such in this chamber, including adequately funding ocean programs? Our job is to ensure a future in which our oceans remain vital components of our economy, our communities, and our lives. To do this, we must fund NOAA programs today.

Despite concerns by my constituents, many of whom are members of the more than 24 national organizations that signed a letter delivered to every member of the House urging a commitment for increasing NOAA funding, I am dedicated to moving this bill forward. Both the chairman and ranking member of the subcommittee have given me their commitment to work diligently to increase the funding levels for the NOAA programs hardest hit by today's bill. I sincerely appreciate their commitment and look forward to working with them. However, in the future, I hope that this House will adequately fund NOAA programs so that we don't find ourselves depending on the good will of the Senate to increase the funding levels of programs that so many of our constituents care so deeply about.

Mr. OLVER. Mr. Chairman, I rise in strong support of the Flake, Davis, Emerson, Delahunt amendment.

The Bush Administration recently announced a series of measures that tighten restrictions on travel to Cuba, and further limit the items that Cuban-Americans can send to their relatives on the island.

Mr. Chairman, it is inhumane and un-American to prevent Cuban-Americans from sending clothing and personal hygiene items to their relatives in Cuba. These restrictions deny the rights of Americans to help their families in Cuba who rely on packages from the United States to provide things that they cannot get at home.

Ironically, like the ongoing travel ban and embargo, these restrictions will do little to harm the Castro regime.

Our Cuba policy should not be built on punishing families and limiting the rights of Americans. We should support more family contact between Cubans and Americans and endorse a strategy of engagement. These latest restrictions may have some electoral impact in Florida, but 40 years of failure prove they will not loosen Fidel Castro's grip on power. We should reject these new restrictions and vote for this amendment.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this very harmful amendment, the Paul Amendment on U.N. funding.

In the early 1990s, because of concerns about United Nation's operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears.

We subsequently debated this issue for years, and, in November 1999, Congress and the Administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

This agreement conditioned U.S. payments of \$819 million on substantial reforms at the U.N. In return for the United States making good on its commitment, the U.N. reduced our contributions to its regular budget from 25 to 20 percent, and to the peacekeeping budget from 31 to 25 percent. The U.N. also agreed to open up its financial books to the United States and to establish an office of an Inspector General at each of its program offices.

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the U.N. This amendment would send us back to a debate settled more than three years ago.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

The CHAIRMAN. Are there further amendments?

The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) 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.

4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 701, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1701

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. THORNBERRY). Is the gentleman opposed to the bill?

Mr. HOYER. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER of Maryland moves to recommit the bill, H.R. 4754, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:

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 make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes in support of his motion.

Mr. HOYER. Mr. Speaker, some time ago we passed an act. It was called the PATRIOT Act. It was voted upon by the overwhelming majority of us. The objective then was to ensure the safety of democracy and the survival of freedom. That was the objective of the PATRIOT Act.

Now, there are many in this House, indeed the majority, who believed that there were provisions in that act that undermined democracy. The gentleman from Vermont (Mr. SANDERS) and the gentleman from Idaho (Mr. OTTER) and others raised a very specific provision of that PATRIOT Act as undermining of our democracy, of our civil liberties, and of our freedom.

The vote was called on that amendment, and at the expiration of 15 minutes, the majority of the House indicated that they supported the amend-

ment offered by the gentleman from Vermont (Mr. SANDERS), the gentleman from Idaho (Mr. OTTER), and others. And then the vote continued, and it continued, and it continued, for over twice as long as the Speaker of the House early this year indicated votes would be held; indeed, for 38 minutes.

Now, I say to my colleagues, let me remind my colleagues of the remarks of our Vice President in 1987, when a similar tactic was employed, and I am quoting the remarks of the Vice President of the United States, RICHARD CHENEY, who at that point in time was a Member of this House. "The Democrats," he said, "have just performed the most grievous insult inflicted on Republicans in my time in the House, a vote held open for a shorter period of time." He went on to say that it was "the most arrogant, heavy-handed abuse of power I have ever seen in the 10 years that I have been here." He went on to say, referring to the Speaker of the House of Representatives at that time, Jim Wright from the State of Texas, "He is a heavy-handed son," and I will delete the next two words, "and he doesn't know any other way to operate, and he will do anything he can to win at any price. There is no sense of comity left," said the Vice President, DICK CHENEY, then a Member of the House of Representatives.

Perhaps he felt better after he said that.

But my friends, if you campaign on changing the tone in Washington, if your objective was to bring comity to this House, if your objective, by voting for the PATRIOT Act, was to protect democracy, then protect it here. Protect it here in the People's House. Protect it here where every one of you has an opportunity to say that we will have a fair vote in a fair time frame, and the majority will prevail, not the intimidated will prevail.

Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS), the sponsor of the amendment.

Mr. SANDERS. Mr. Speaker, let me begin by thanking the 191 Democrats and 18 Republicans who voted for that important amendment, but I am not going to discuss the substance of that amendment, because that debate took place, and I respect the people on both sides of that debate.

But what I do not respect is that when we are having a debate about basic American democratic rights and what our Constitution is supposed to be, I resent bitterly, on behalf of the American people, that the Republican leadership rigged the game. That is wrong. At the end of nine innings of a baseball game, at the end of nine innings of a baseball game, the team that has the most runs wins. At the end of the 17 minutes tonight, our side won, and it was not even close.

Now, what kind of lesson, what kind of lesson are we showing the children of America when we tell them, get involved in the political process, that we are a free country, that we are fighting

abroad for democracy, when we rig a vote on this floor? Shame, shame, shame.

Mr. WOLF. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I will just make one comment, and then I will yield to the chairman of the Committee on the Judiciary.

I want to read a letter that came out today. I wish it had come up yesterday and the day before, but it did not. I think every Member ought to know; it deals with the Sanders amendment. Here is what it says.

It says: "Dear Chairman SENSENBRENNER. In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'Yes.'"

And then they go on to say, "You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment."

I wish the Justice Department letter had really come up yesterday or the day before so all Members could have been able to see it before the vote.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit should be defeated as the amendment was defeated, and the reason is that section 215, which this amendment proposes to defund, provides more rights to public libraries and booksellers than a grand jury subpoena would. Let us look at what section 215 does.

First, it requires the FBI to get a court order. To get a court order, a judge has to be convinced that the court order is necessary, and the burden of proof is on the Justice Department.

The section has a narrow scope. It can only be used to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities. That is what this motion to recommit proposes to do away with.

So the people who are being protected are not United States persons, and people who are engaged in international terrorism or clandestine intelligence activities.

Section 215 cannot be used to investigate ordinary crimes or even domestic terrorists.

The section preserves first amendment rights, and it expressly provides that the FBI cannot conduct investigations of United States persons solely on the basis of activities protected by the first amendment to the Constitution of the United States.

Now, if section 215 goes down, then the Justice Department can get a grand jury subpoena. Now, with a grand jury subpoena, there is no court order, there is no court review, and the person who receives the grand jury subpoena, a librarian or a bookseller, if you will, has to spend thousands of dollars hiring a lawyer at their expense to make a motion to quash the subpoena in the United States district court. And the burden of proof is on the bookseller or the librarian who wants to have the subpoena quashed.

I would submit to my colleagues that if we look at what this amendment proposes to get rid of, it gets rid of a procedure that grants more protection to booksellers and is of much narrower scope than the alternative of the grand jury subpoena.

Let us use common sense and not emotion and vote this motion to recommit down.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on final passage of the bill.

The vote was taken by electronic device, and there were—ayes 194, noes 223, answered "present" 1, not voting 16, as follows:

[Roll No. 345]

AYES—194

Abercrombie	Clay	Etheridge
Ackerman	Clyburn	Evans
Alexander	Conyers	Farr
Allen	Cooper	Fattah
Andrews	Costello	Filner
Baca	Cramer	Ford
Baird	Crowley	Frank (MA)
Baldwin	Cummings	Frost
Becerra	Davis (AL)	Gonzalez
Berkley	Davis (CA)	Gordon
Berman	Davis (FL)	Green (TX)
Bishop (NY)	Davis (IL)	Grijalva
Boswell	Davis (TN)	Gutierrez
Boucher	DeFazio	Harman
Boyd	DeGette	Herseth
Brady (PA)	Delahunt	Hill
Brown (OH)	DeLauro	Hinojosa
Brown, Corrine	Dicks	Hoeffel
Capps	Dingell	Holden
Capuano	Doggett	Holt
Cardin	Dooley (CA)	Honda
Cardoza	Doyle	Hooley (OR)
Carson (OK)	Emanuel	Hoyer
Case	Engel	Inslee
Chandler	Eshoo	Israel

Jackson (IL)	Meehan	Sánchez, Linda
Jackson-Lee	Meek (FL)	T.
(TX)	Meeks (NY)	Sanchez, Loretta
Jefferson	Menendez	Sanders
John	Michaud	Sandlin
Johnson, E. B.	Millender	Schakowsky
Jones (OH)	McDonald	Schiff
Kanjorski	Miller (NC)	Scott (GA)
Kaptur	Miller, George	Scott (VA)
Kennedy (RI)	Mollohan	Serrano
Kildee	Moore	Sherman
Kilpatrick	Moran (VA)	Skelton
Kind	Murtha	Slaughter
Klecza	Nadler	Snyder
Kucinich	Napolitano	Solis
Lampson	Neal (MA)	Spratt
Langevin	Oberstar	Stark
Lantos	Obey	Strickland
Larsen (WA)	Oliver	Stupak
Larson (CT)	Ortiz	Tanner
Leach	Owens	Tauscher
Lee	Pallone	Taylor (MS)
Levin	Pascrell	Thompson (CA)
Lewis (GA)	Pastor	Thompson (MS)
Lipinski	Paul	Tierney
Lowe	Payne	Towns
Lucas (KY)	Pelosi	Udall (CO)
Lynch	Peterson (MN)	Udall (NM)
Majette	Pomeroy	Van Hollen
Maloney	Price (NC)	Velázquez
Markey	Rahall	Visclosky
Marshall	Rangel	Waters
Matheson	Reyes	Watson
Matsui	Rodriguez	Watt
McCarthy (MO)	Ross	Waxman
McCarthy (NY)	Rothman	Weiner
McCollum	Roybal-Allard	Wexler
McDermott	Ruppersberger	Woolsey
McGovern	Rush	Wu
McIntyre	Ryan (OH)	Wynn
McNulty	Sabo	

NOES—223

Aderholt	Doolittle	Kelly
Akin	Dreier	Kennedy (MN)
Bachus	Duncan	King (IA)
Baker	Dunn	King (NY)
Ballenger	Edwards	Kingston
Barrett (SC)	Ehlers	Kirk
Bartlett (MD)	Emerson	Kline
Barton (TX)	English	Knollenberg
Bass	Everett	Kolbe
Beauprez	Feeney	Latham
Bereuter	Ferguson	LaTourrette
Biggert	Flake	Lewis (CA)
Bilirakis	Forbes	Lewis (KY)
Bishop (UT)	Fossella	Linder
Blackburn	Franks (AZ)	LoBiondo
Blunt	Frelinghuysen	Lucas (OK)
Boehler	Gallegly	Manzullo
Boehner	Garrett (NJ)	McCotter
Bonilla	Gerlach	McCreery
Bonner	Gibbons	McHugh
Bono	Gilchrest	McInnis
Boozman	Gillmor	McKeon
Bradley (NH)	Gingrey	Mica
Brady (TX)	Goode	Miller (FL)
Brown (SC)	Goodlatte	Miller (MI)
Brown-Waite,	Goss	Miller, Gary
Ginny	Granger	Moran (KS)
Burgess	Graves	Murphy
Burns	Green (WI)	Musgrave
Burr	Greenwood	Myrick
Burton (IN)	Gutknecht	Nethercutt
Buyer	Hall	Neugebauer
Calvert	Harris	Ney
Camp	Hart	Northup
Cannon	Hastert	Norwood
Cantor	Hastings (WA)	Nunes
Capito	Hayes	Nussle
Carter	Hayworth	Osborne
Castle	Hefley	Ose
Chabot	Hensarling	Otter
Choccola	Herger	Oxley
Coble	Hobson	Pearce
Cole	Hoekstra	Pence
Cox	Hostettler	Peterson (PA)
Crane	Houghton	Petri
Crenshaw	Hulshof	Pickering
Cubin	Hunter	Pitts
Culberson	Hyde	Platts
Cunningham	Issa	Pombo
Davis, Jo Ann	Istook	Porter
Davis, Tom	Jenkins	Portman
Deal (GA)	Johnson (CT)	Pryce (OH)
DeLay	Johnson (IL)	Putnam
DeMint	Johnson, Sam	Radanovich
Diaz-Balart, L.	Jones (NC)	Ramstad
Diaz-Balart, M.	Keller	Regula

Rehberg Shimkus Tiberi  
 Renzi Shuster Toomey  
 Reynolds Simmons Turner (OH)  
 Rogers (AL) Simpson Upton  
 Rogers (KY) Smith (MI) Vitter  
 Rogers (MI) Smith (NJ) Walden (OR)  
 Rohrabacher Smith (TX) Walsh  
 Ros-Lehtinen Smith (WA) Wamp  
 Royce Souder Weldon (FL)  
 Ryan (WI) Stearns Weldon (PA)  
 Ryun (KS) Stenholm Weller  
 Saxton Sullivan Whitfield  
 Schrock Sweeney Wicker  
 Sensenbrenner Tancredo Wilson (NM)  
 Sessions Taylor (NC) Wilson (SC)  
 Shadegg Terry Wolf  
 Shaw Thomas Young (AK)  
 Shays Thornberry Young (FL)  
 Sherwood Tiahrt

Garrett (NJ) Lucas (OK)  
 Gerlach Lynch  
 Gibbons Majette  
 Gilchrest Maloney  
 Gillmor Manzullo  
 Gingrey Markey  
 Gonzalez Marshall  
 Goode Matheson  
 Goodlatte Matsui  
 Gordon McCarthy (MO)  
 Granger McCarthy (NY)  
 Graves McCollum  
 Green (TX) McCotter  
 Green (WI) McCreery  
 Greenwood McDermott  
 Grijalva McGovern  
 Gutierrez McHugh  
 Hall McInnis  
 Harman McIntyre  
 Harris McKeon  
 Hart McNulty  
 Hastings (WA) Meehan  
 Hayes Meek (FL)  
 Hayworth Meeks (NY)  
 Herger Menendez  
 Herseth Mica  
 Hill Michaud  
 Hinojosa Millender-  
 Hobson McDonald  
 Hoefel Miller (MI)  
 Hoekstra Miller (NC)  
 Holden Miller, Gary  
 Holt Miller, George  
 Honda Mollohan  
 Hoolley (OR) Moore  
 Hostettler Moran (KS)  
 Houghton Moran (VA)  
 Hoyer Murphy  
 Hulshof Murtha  
 Hunter Musgrave  
 Hyde Myrick  
 Inslee Nadler  
 Israel Napolitano  
 Issa Neal (MA)  
 Istook Nethercutt  
 Jackson (IL) Neugebauer  
 Jackson-Lee Ney  
 (TX) Northup  
 Jefferson Nunes  
 Jenkins Nussle  
 John Oberstar  
 Johnson (CT) Obey  
 Johnson (IL) Oliver  
 Johnson, Sam Ortiz  
 Jones (OH) Osborne  
 Kanjorski Ose  
 Kaptur Owens  
 Keller Oxley  
 Kelly Pallone  
 Kennedy (MN) Pascarell  
 Kennedy (RI) Pastor  
 Kildee Payne  
 Kilpatrick Pearce  
 Kind Pelosi  
 King (IA) Pence  
 King (NY) Peterson (MN)  
 Kingston Peterson (PA)  
 Kirk Pickering  
 Kleczka Pitts  
 Kline Platts  
 Knollenberg Pomo  
 Kolbe Pomeroy  
 Kucinich Porter  
 Lampson Portman  
 Langevin Price (NC)  
 Lantos Pryce (OH)  
 Larsen (WA) Putnam  
 Larson (CT) Radanovich  
 Latham Rahall  
 LaTourette Ramstad  
 Leach Rangel  
 Lee Regula  
 Levin Rehberg  
 Lewis (CA) Renzi  
 Lewis (GA) Reyes  
 Lewis (KY) Reynolds  
 Linder Rodriguez  
 Lipinski Rogers (AL)  
 LoBiondo Rogers (KY)  
 Lofgren Rogers (MI)  
 Lowey Rohrabacher  
 Lucas (KY) Ros-Lehtinen

Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppelberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Schrock  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Towns  
 Turner (OH)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velazquez  
 Visclosky  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Waters  
 Watson  
 Watt  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

Petri  
 Shadegg  
 NOT VOTING—18  
 Bell  
 Bishop (GA)  
 Blumenauer  
 Carson (IN)  
 Collins  
 Cox  
 Deutsch  
 Gephardt  
 Goss  
 Hastings (FL)  
 Hinchey  
 Isakson  
 Johnson, E. B.  
 LaHood  
 Quinn  
 Tauzin  
 Turner (TX)  
 Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in which to cast their votes.

□ 1739

So the bill was passed.  
 The result of the vote was announced as above recorded.  
 A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York (Mr. NADLER).

The motion is not debatable.  
 The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.  
 The vote was taken by electronic device, and there were—yeas 64, nays 324, not voting 46, as follows:

[Roll No. 347]

AYES—64

ANSWERED "PRESENT"—1  
 Lofgren  
 NOT VOTING—16

Bell Deutsch LaHood  
 Berry Foley Quinn  
 Bishop (GA) Gephardt Tauzin  
 Blumenauer Hastings (FL) Turner (TX)  
 Carson (IN) Hinchey  
 Collins Isakson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded there are 2 minutes to cast their votes.

□ 1732

So the motion was rejected.  
 The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

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

This will be a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 397, nays 18, not voting 18, as follows:

[Roll No. 346]

YEAS—397

Abercrombie Brown (SC) Davis (TN)  
 Ackerman Brown, Corrine Davis, Jo Ann  
 Aderholt Brown-Waite, Davis, Tom  
 Akin Ginny DeFazio  
 Alexander Burgess DeGette  
 Allen Burns Delahunt  
 Andrews Burr DeLauro  
 Baca Burton (IN) DeLay  
 Bachus Buyer DeMint  
 Baird Calvert Diaz-Balart, L.  
 Baker Camp Diaz-Balart, M.  
 Baldwin Cannon Dicks  
 Ballenger Cantor Dingell  
 Barrett (SC) Capito Doggett  
 Bartlett (MD) Capps Dooley (CA)  
 Barton (TX) Cardin Doolittle  
 Bass Cardoza Doyle  
 Beauprez Carson (OK) Dreier  
 Becerra Carter Dunn  
 Bereuter Case Edwards  
 Berkley Castle Ehlers  
 Berman Chabot Emanuel  
 Berry Chandler Emerson  
 Biggert Chocola Engel  
 Bilirakis Clay English  
 Bishop (NY) Clyburn Eshoo  
 Bishop (UT) Coble Etheridge  
 Blackburn Cole Evans  
 Blunt Conyers Everett  
 Boehlert Cooper Farr  
 Boehmer Costello Fattah  
 Bonilla Cramer Feeney  
 Bonner Crane Ferguson  
 Bono Crenshaw Filner  
 Boozman Crowley Foley  
 Boswell Culberson Forbes  
 Boucher Cummings Ford  
 Boyd Cunningham Fossella  
 Bradley (NH) Davis (AL) Frank (MA)  
 Brady (PA) Davis (CA) Frelinghuysen  
 Brady (TX) Davis (FL) Frost  
 Brown (OH) Davis (IL) Gallegly

Hastings (WA) Meehan  
 Hayes Meek (FL)  
 Hayworth Meeks (NY)  
 Herger Menendez  
 Herseth Mica  
 Hill Michaud  
 Hinojosa Millender-  
 Hobson McDonald  
 Hoefel Miller (MI)  
 Hoekstra Miller (NC)  
 Holden Miller, Gary  
 Holt Miller, George  
 Honda Mollohan  
 Hoolley (OR) Moore  
 Hostettler Moran (KS)  
 Houghton Moran (VA)  
 Hoyer Murphy  
 Hulshof Murtha  
 Hunter Musgrave  
 Hyde Myrick  
 Inslee Nadler  
 Israel Napolitano  
 Issa Neal (MA)  
 Istook Nethercutt  
 Jackson (IL) Neugebauer  
 Jackson-Lee Ney  
 (TX) Northup  
 Jefferson Nunes  
 Jenkins Nussle  
 John Oberstar  
 Johnson (CT) Obey  
 Johnson (IL) Oliver  
 Johnson, Sam Ortiz  
 Jones (OH) Osborne  
 Kanjorski Ose  
 Kaptur Owens  
 Keller Oxley  
 Kelly Pallone  
 Kennedy (MN) Pascarell  
 Kennedy (RI) Pastor  
 Kildee Payne  
 Kilpatrick Pearce  
 Kind Pelosi  
 King (IA) Pence  
 King (NY) Peterson (MN)  
 Kingston Peterson (PA)  
 Kirk Pickering  
 Kleczka Pitts  
 Kline Platts  
 Knollenberg Pomo  
 Kolbe Pomeroy  
 Kucinich Porter  
 Lampson Portman  
 Langevin Price (NC)  
 Lantos Pryce (OH)  
 Larsen (WA) Putnam  
 Larson (CT) Radanovich  
 Latham Rahall  
 LaTourette Ramstad  
 Leach Rangel  
 Lee Regula  
 Levin Rehberg  
 Lewis (CA) Renzi  
 Lewis (GA) Reyes  
 Lewis (KY) Reynolds  
 Linder Rodriguez  
 Lipinski Rogers (AL)  
 LoBiondo Rogers (KY)  
 Lofgren Rogers (MI)  
 Lowey Rohrabacher  
 Lucas (KY) Ros-Lehtinen  
 NAYS—18  
 Franks (AZ)  
 Gutknecht  
 Hetfle  
 Hensarling  
 Jones (NC)

Obey  
 Oliver  
 Owens  
 Pallone  
 Pastor  
 Pelosi  
 Peterson (MN)  
 Ryan (OH)  
 Schakowsky  
 Skelton  
 Snyder  
 Solis  
 Stenholm  
 Strickland  
 Taylor (MS)  
 Tierney  
 Towns  
 Velazquez  
 Waters  
 Watson  
 Wynn

NOES—324

Aderholt  
 Akin  
 Alexander  
 Bachus  
 Baker  
 Ballenger  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Beauprez  
 Becerra  
 Bereuter  
 Berkley  
 Berman  
 Biggert  
 Bilirakis  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Boswell  
 Boucher  
 Bradley (NH)  
 Brown (OH)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Cannon  
 Cantor  
 Capito  
 Cardin  
 Cardoza  
 Carson (OK)  
 Carter  
 Case  
 Castle  
 Chabot  
 Chandler  
 Chocola  
 Clay  
 Coble  
 Cole  
 Conyers  
 Cooper  
 Costello  
 Cox  
 Cramer  
 Crane