those of us in politics, and I am sure every Member, all 435, have a gripe about a television station. I do, too. Probably about a radio station. Probably a gripe with a newspaper. We all do.

But the idea that we are going to offer an amendment to somehow corral a decision or overturn a decision that was made by the FCC, I think is not right.

□ 1700

I represent Adams County in Illinois where Quincy, Illinois, is the largest community and there is a family-owned newspaper there. The Oakley family owns the newspaper, and they own at least one television station in that town and several other television stations around the country; and they are a good corporate citizen, and they do not dictate policy from one station to another. They do not dictate policy from their newspaper to their television stations. So I guess they are the exception to the rule that one can own a newspaper and own a television station, several television stations, and not dictate policy and still be a good corporate citizen.

The classic example, though, is the Tribune Company. The Tribune Company has been in operation for 150 years. It operates in 12 markets, and it owns the Los Angeles Times, the Baltimore Sun, the Chicago Tribune, Newsday. It owns Channel 9 and many other television stations, and the notion that they try and dictate policy or dictate opinion I think is not accurate. I know that they have established themselves as one of the best corporate citizens, certainly in Chicago and in many other communities.

So the idea that we are going to have an amendment to overturn a decision that was made by the FCC because somebody does not like it or that television stations are too big or might dictate policy, I think, is not a true reflection of at least two I know, one in Quincy, Illinois, and one in Chicago, that has many outlets in many different places.

For that reason, I wish we could have defeated the Obey amendment, which we did not; but I hope we can defeat the Hinchey amendment which is even worse.

The CHAIRMAN pro tempore (Mr. TERRY). The Committee will rise informally.

The SPEAKER pro tempore (Mr. COBLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

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

The Committee resumed its sitting.

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

I rise to oppose the amendment, and I agree with much of the substance of this amendment; but I am concerned about the provisions with regard to newspapers.

Mr. Chairman, there used to be a time in every major city in America where we had three, four, five vibrant newspapers. Today, what we are seeing is fewer and fewer newspapers across the country. We are seeing circulation of newspapers going down and the economic viability of newspapers reduced dramatically because of the inability of newspapers to compete economically.

I know something about this because my father worked at the local newspaper in my hometown for 43 years. He was not the publisher. He was not the editor. He was not even a reporter. He punched a clock as compositor for 43 years, and that local newspaper meant a lot to our community.

I believe that the provisions regarding cross-ownership for newspapers would do serious harm to the financial viability of local newspapers with disastrous consequences for journalism. In a world where 24-hour cable news and Internet have made news sources for information widely available, we still depend, and our democracy depends, upon newspapers to provide high-quality, in-depth coverage of local news events; but with the emergence of so many alternative sources of news and entertainment, newspapers are struggling to retain advertisers who want to reach a high-quality, fragmented audience of consumers.

Newspapers are getting hit from both directions because they are losing circulation, viewers, and advertisers to broadcasters and major news media. The FCC's decision to relax the cross-ownership rules with regard to newspapers was based on extensive evidence showing that when newspapers are allowed to participate in local broadcasting, consumers benefit.

Daily newspapers almost always have the most extensive and sophisticated news-gathering apparatus in their circulation area. So this should not be surprising. Newspapers have been used in classrooms across America to discuss local issues. So when co-owned broadcast stations are able to draw on the depth and breadth of newspaper expertise, the stations can produce better local news programming; and when newspapers make their pitch to advertisers, they can say that they reach consumers across their circulation area through radio or, in some instances, TV ads as well as print.

The FCC did not have to guess what would happen with the quality of local news under lax cross-ownership rules with regard to newspapers. Several local newspaper/broadcast combinations have been in operation since the 1970s under the grandfather rules. This experience shows that broadcast stations, co-owned with daily newspapers, are offering better local news and more of it.

Studies by both media owners and independent entities agree on these benefits. For example, a 5-year study by the Project for Excellence in Journalism at Columbia University, found that co-owned stations were more likely to do stories focused on important community issues and were more likely to provide a wide mix of opinion. Other studies show that existing newspaper/broadcast combinations do not coordinate the editorial views they express on important public issues.

The health of daily newspapers across this country is absolutely critical to the functioning of our democracy because newspapers offer by far the most extensive and consistent coverage of local political issues and public policy issues. That is why I believe the FCC's decision to allow more newspaper/broadcast cross-ownership is good public policy.

While I agree with many of the provisions in this particular amendment and also the gentleman from Wisconsin's (Mr. OBEY) amendment, the relaxation of a cross-ownership ban for newspapers will serve the public interest by fostering better newspapers and information; and I base that on my experience in dealing with local newspapers in my own district and my own family's involvement in 43 years.

I might also add, since there have been other issues such as overtime, when my father worked as an hourly employee for 43 years punching a time clock every day, whether or not we took a vacation that summer was determined by his ability to earn overtime at that newspaper. Fortunately, he was able to make the overtime payments because of the ability of that newspaper to provide a quality of life for the employees.

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

Mr. Chairman, I rise in strong support for this amendment for the simple reason that a monopoly of ideas is ultimately more destructive to American democracy than even a monopoly of money; and the American people understand this amendment should pass for two reasons, one philosophical and one practical. Let me address the philosophical one first.

In the words of Thomas Jefferson, who said, ''Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter,'' the overwhelming majority of American people have an understanding in their gut and in their bones and in their heads that if we loosen the rules on media consolidation, we will

get more media consolidation. It is not rocket science.

So let me address the practical issue that I have heard addressed on this floor today and argued on this floor that somehow if we vote for this amendment it actually means we are going to reduce the remedy we get against the FCC. Let me debunk that argument for this reason.

It is based on two faulty assumptions. It is based on the assumption the President will veto this bill if we give Americans what they want, which is less consolidation in the media. The President might have said that today, some of his political advisers may have said that today; but when this bill gets to the White House desk, that e-mail account and Web site of the White House is going to melt down. They are going to have to double the number of e-mails that they can recover, and the FCC, when they did this, they thought this would just go kind of quietly in the night. That is why they had one hearing in Virginia for the whole country about this issue. They thought they would just sneak this by them.

Let me tell my colleagues what happened when the American people found out about this. The U.S. Senate, or the other chamber, very quickly understood that it had to happen, the commerce committee had a good vote moving in this direction, and now it is up to my colleagues and me to keep this ball rolling. We do not know how far this ball is going to go unless we get the message to the American people; and let me suggest to my colleagues, that ball is going to go a lot further, which is total repeal of the FCC going backwards.

I am not alone in this, and I want to make sure the Members in this Chamber know this is just not a good governing issue. It is not just a good government issue. It is not just a consumers federation.

The labor community of the United States of America understands the consolidation of media voices is not good for democracy. That is why the Communication Workers of America are supporting this amendment. The Department of Professional Employees are supporting this amendment. The International Brotherhood of Electrical Workers are supporting this amendment. The Newspaper Guild is supporting this amendment. The people support this amendment.

So it is our job to push the envelope here. It is our job to make sure this does not get swept under the radar screen, and let me tell my colleagues why that is important.

These consolidation rules go much further than repealing the Sherman Antitrust Act. They allow consolidation that will increase the concentration over 20 times the level of local market control of what would trigger a Sherman Antitrust Act investigation. That is in a one-newspaper town. In a two-newspaper town, mergers allowed under this rule, without this amendment, would increase concentration nine times the level of concentration that would trigger antitrust concern.

I am standing here to say that our scrutiny of a monopoly of ideas should be every bit as vigorous as a scrutiny of a monopoly of money; and that is the reason we need to, in fact, pass this amendment.

I have heard it argued today that there is a lot of new channels, there is Internet Web sites, there is new cable channels and that is enough. To me, it is a little bit like saying we will just have sort of 20 hoses, we have got all these new hoses to give you water, but then you screw the hoses all into the same faucet, which is the corporate board of governors who control these markets, and that is the promise you effect, that we have got to guard against by, in fact, passing this amendment.

I will just make one closing comment if I can of those who may be thinking about this or my colleagues. I will say one thing that I think all of us as elected officials understand. This started as a very quiet, little modest regulatory issue; but it has turned into a firestorm of criticism, and there are two tsunamis. One has already washed over Congress, and that is the Do Not Call list. That finally got Congress' attention. The second one is this amendment. My colleagues vote against this amendment, they are going to have people with pitch forks and torches in front of their Chamber arguing that they should not get in bed with those who want consolidation of this industry.

Let us push the envelope and fight back for this amendment.

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

Mr. Chairman, I rise in support of the Hinchey-Price amendment, and I would like to speak to the substance of this amendment. It promotes diversity by preserving existing limitations on media ownership. It actually promotes democracy.

The recent FCC decision to adopt new broadcast ownership rules raising the national television ownership rules undermines the fundamental principle of diversity, fair play, competition, and exchange of ideas. It really does run counter to our notion of freedom of the press, the right to free expression, the right to be heard.

The overwhelming public reaction against this FCC move dramatically illustrates the very diversity in America that this ruling circumvents.

□ 1715

Groups as wide ranging as Common Cause and the National Rifle Association, the National Organization for Women, in fact, the National Association of Black-Owned Broadcasters actually support this amendment. All of these groups oppose this step toward greater monopolization of the Nation's airwaves.

If we fail to take action, it is possible that a single company could own a newspaper, a television station, and a local radio station. Do we want all local news controlled by one company now that is possible under the new FCC rules? These few monopolies would shut down the views and voices of millions of Americans.

Another likely result of this rule change will be the further silencing of minority voices. According to recent surveys, minorities own less than 2 percent of the country's licensed television stations and only 4 percent of the commercial AM and FM stations. These minority owners and other independent operators are in grave danger of being trampled on by the accelerated expansion of media conglomerates.

Millions of Americans have contacted the FCC to express their disapproval of raising the limits on media ownership. This amendment addresses all of these very important concerns. It prevents the implementation of this unwise and unsound rule change.

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

Mr. Chairman, this rule, which this amendment would address, in my opinion is perhaps the most radical usurpation of the public interest in the history of regulation. But then again, the head of the FCC does not believe in regulation nor does he believe in public interest.

To quote him, he has called regulation ''the oppressor.'' And when asked about public interest, he said he has no idea. ''It is an empty vessel in which people pour whatever their preconceived views or biases are.''

And he went on to say, ''The night after I was sworn in as a commissioner,'' this is Michael Powell, the Chair of the Federal Communications Commission, ''I waited for a visit from the angel of public interest, I waited all night, but she did not come.'' So his conclusion is, if you believe in markets, part of the right price is determined by the give-and-take of consumers and producers, and ''Thou shalt not regulate,'' and that, in fact, is what he has done here.

Now, there is substantial agreement on this side of the aisle that what he has done is an extraordinary blow to our system in the United States of America, our system of governance of our democratic republic. But there is some disagreement over the tactics on how we fight back. Considering the fact that the Republicans control both Houses of Congress and the White House, I believe that we need to send the strongest possible message, and this amendment would, thus far, absent adoption of the Dingell legislation, which I believe the Speaker of the House, the gentleman from Texas (Mr. DELAY), and others will never allow to come to the floor of the House, but absent that, this is the strongest statement that we could send so far. We would be standing with more than 400,000 Americans who commented against this rule.

Now, the chairman of the committee got up to say, well, the benefits of this flow to the public, but he did not go on to say, they just do not realize it. Because almost every person who testified on the most-commented-upon rulemaking in the history of the United States of America said ''no.'' ''No.''

There was one hearing held in the distant realm of Virginia. That is how much public scrutiny this rule received. Why did it receive so little public scrutiny? Because they knew that more than 400,000 people would oppose it had they only known about it ahead of time.

Now we are hearing about a lot of red herrings. This place kind of smells a little bit. The waivers will go away. No, the waivers are preexisting in this rule. The waivers will not go away. They want to help the little guys that are doing good things with the waivers. That is the only reason they are supporting Michael Powell and total rollback of public interest and the total collapse of any idea of diverse media in this country and the total concentration of this system.

No, they are really for the little guys and the waivers and the exceptions and the grandfathers, and that is why we are really here.

Well, no, that is not why we are really here. We are really here because the big money and the big interests want to own it all. It will be great, the day we can go anywhere in America, turn on the tube, watch a local station and we will see exactly the same thing we would have seen at home. It will purport to provide local news.

Some people are getting puzzled when they see what is considered to be local news under the current system, which is already concentrated enough, which has nothing to do with where they live. Imagine what it will be like when it is totally one or two or three big companies dictating all the content across all the country, and not only the content of television but the content of newspapers and radio. It will be great. We will not have to be confused anymore by conflicting opinions.

God forbid we should even begin to discuss the concepts of fairness, which stood as the rule of this land for nearly three-quarters of a century under which we had a vibrant democracy. Fairness. Now it is whoever can own it can say whatever they want and the hell with fairness.

We do not have to have fairness. We do not have to have diversity of opinion. We afford it, we bought it, we can say what we want, we can exclude who we want, we can discriminate against the groups that we do not like that say things we do not like about our President or about anything else we disagree with.

That is the vision of Michael Powell and the majority in this House. That is the system they want.

That is wrong. It is wrong whether in the majority or the minority. It is wrong for the future of our Nation.

So, please, support this amendment. Send the strongest message possible. And if this passes by a big margin, if the worst thing that could happen in the conference committee with the Senate is that we bargain back a little bit toward the good work done by the gentleman from Wisconsin (Mr. OBEY), then, okay, that is the best we can do. I would love to see the President put in a position to have to veto something so much in the public interest that people care so much about.

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

Mr. Chairman, I rise in strong support of the Hinchey amendment, which is, in many ways, consistent with legislation that I introduced which has 90 cosponsors.

Mr. Chairman, I think Thomas Jefferson, Tom Payne, James Madison, and some of the other Founding Fathers of our country understood the issue that we are discussing today very well.

It is a problem in our society that in industry after industry fewer and fewer large corporations control those industries. I think that is a very serious economic problem for this country. But it is a very different and even much more serious problem when a handful of large corporations control what the American people see, hear and read.

This is not just an economic problem. This is a problem that gets to the root of American democracy.

How can we vote intelligently? How can we come to reasonable positions on all of the important issues facing America unless we hear a diverse point of view?

I think most Americans understand that there is something profoundly wrong. For example, one example, in a Nation which is politically divided, where Al Gore got more votes than George Bush, where if you turn on talk radio in America the only debate that you hear on corporate radio is a debate between the right wing and the extreme right wing. That is not, in my view, an accident.

I think that many Americans understand that some of the most important issues facing our country, the devastating loss of manufacturing jobs, the fact that the minimum wage has not been raised in many, many years, the fact that we have the most unfair distribution of wealth and income of any major country, the fact that we are the only major nation on Earth that does not have a national health care program, the fact that we have so little discussion about these important issues certainly is related to the fact that the people who own our television industry are, without exception, major multinational corporations.

We have General Electric owning NBC, Disney owning ABC, Viacom owning CBS, the right-wing millionaire Rupert Murdock owning Fox, Time Warner owning CNN. I would remind Members of Congress never to forget that in the waning days of the authoritarian Soviet Union, there was not just one television station or one radio station or one newspaper, there were hundreds of radio stations and television stations and magazines and newspapers. The only problem was that all of that media was controlled by either the Communist Party of the Soviet Union or the Government of the Soviet Union.

So the idea that we have many, many newspapers or magazines or cable television stations is meaningless when we understand that virtually all of them are owned by a handful of large corporations who have enormous conflicts of interest.

What the Hinchey amendment is saying, and I think the overwhelming majority of Americans agree with him, is that it will be a very dangerous day in this country when people who live in midsize cities find that one company owns their television station and their radio station and their local newspaper.

Is that, my friends, what American democracy is supposed to be about? I think most of us think that it is not.

Now, I have heard some discussion about political tactics, about how dangerous it would be to pass this amendment. I would suggest that those people who are talking that language are playing inside-the-Beltway baseball and they are forgetting about the heat and the passion and the concern that tens of millions of people on the outside feel about this issue.

I can only tell you of my own experience in Vermont. We held a town meeting with Michael Copps of the FCC, and 600 people came out. We held another meeting where 400 people came out. And I believe that this feeling of concern about growing media consolidation exists all over the country. When the FCC allowed for people's opinion to come forward, 750,000 Americans contacted the FCC and 99 percent said, do not go forward with more media consolidation.

In my own city of Burlington, we used to have a number of radio stations reporting local news. Today there is one. Let us support the Hinchey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

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

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

Mr. OBEY. Let me say, Mr. Chairman, that in substance I agree with virtually every word the gentleman just said. He is coming from exactly the right place.

Here is my tactical problem. I want this bill to get 290 votes, so that when the White House looks at it, it knows

that there are enough votes here to override the veto, if they are ill-advised enough to veto the bill over this provision. And it is my considered judgment that if the Hinchey amendment passes, that there will be significant additional numbers of people who will vote against this bill, and that means we will send exactly the reverse signal.

So all I want to say is, I agree with where the gentleman is coming from, we simply have a different tactical judgment about how to get there. I think we need a two-step process and the gentleman wants one.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, let me express my disagreement with my good friend, because let me tell him this. I want the President of the United States to go in front of the national media and say, I am vetoing this bill because I believe in more media consolidation. I think fewer large corporations should control what we see, hear, and read. I want the President of the United States to do that.

Mr. Chairman, I think he is smart enough not to do that.

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

The Federal Communications Act of 1934 mandated that the electronic broadcasting industry operate in the public interest, convenience, and necessity. The idea behind the FCC Act of 1934 was that we the people own the airwaves and that we grant a license for people to operate in the public interest, but that the first claim on those airwaves belongs to the people.

□ 1730

How far we have come in America, to a position where we the people are begging corporate broadcast interests to allow us the right to free speech. How far we have come in America, to a condition where the Federal Communications Commission, which was created to make sure that the public interest is represented, instead has been captured by the very industry they are to regulate. It is a matter of public record. Indeed, it has been recorded by the Center for Public Integrity which examined the travel records of FCC employees that they have accepted over a period of 8 years 2,500 trips costing nearly $2.8 million and that these trips were paid for by telecommunications and broadcast industries which are regulated by the FCC. This on top of the trips that the taxpayers paid for.

There is no question that the Federal Communications Commission, which has been created to represent the public interest, represents instead the private interest. And so then the public's right to the airwaves, to control of the airwaves, and to access to the airwaves becomes diminished, damaged, and degraded by a system which has now been captured by media corporations. This then must be a cause of great debate in our democracy because we understand as wealth concentrates in fewer and fewer hands there is less democracy, and we understand as concentration in the media occurs and there are fewer and fewer independent media outlets, it is to the detriment of our democracy, it is a lessening of freedom of speech in our Nation.

If we are to remain one Nation, we cannot be one Nation and at the same time have one broadcast power, a private one. We have to ensure that there is a multiplicity of media outlets. We must ensure that the media responds to the public interest. We must regain what it truly means to have a public spirited debate in a democracy which can only occur if there are significant numbers of outlets in the media and that each community has the opportunity to have a balance of media interests.

When our Constitution was established and when our Bill of Rights was set in motion establishing freedom of speech, our founders did not countenance that freedom of the press would belong to the man who owns one. Our founders did not countenance that freedom of broadcast media or freedom of speech would belong to the broadcast media. The Hinchey amendment seeks to strike once again a balance on behalf of the public interest to set aside the FCC's action which resulted in a stunning ruling which permitted the country's largest media conglomerates to achieve a level of multiple ownership that could only be said to be totally against the interest of our democracy.

We stand here every day in debating the great questions of our time. How often those questions receive attention is a matter of the private interest. We need to regain the public interest here. That is why this amendment achieves a great amount of importance. The public needs to remember once again that they are ultimately the owners of the airwaves, that the airwaves do not belong to corporations. They do not have any primary right to those airwaves. Those airwaves are the product of a free Nation and those airwaves should always be regulated in the public interest. They are not being regulated in the public interest, and it is only this Congress which can rescue the public interest.

Vote for the Hinchey amendment.

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

I have served on the telecommunications subcommittee for 27 years, and I can tell you that not only is the decision made by the Federal Communications Commission in this area of media consolidation the worst decision made during my 27 years overseeing them, it is the worst decision ever made by the Federal Communications Commission. Ever. First of all, Chairman Powell decided to have one public hearing, one, on an issue that goes to the fundamental question of what is the relationship between the American public and the media while they were considering the changes in 75 years of laws.

The public furor is totally understandable. And Congress in the Committee on Energy and Commerce, the committee with jurisdiction over this issue, we have yet to have a hearing on this issue. What did the FCC decide? Did it decide that they were going to expand the rules so that one newspaper could be owned by one television station? No. Did they decide that one cable company could own four radio stations in one community and expand the rules that way? No. Here is what they decided. Listen to this, ladies and gentlemen. Listen to the worst decision ever made by the Federal Communications Commission. In the largest metropolitan media areas where many, many of us come from, here is what is now possible. One company in your hometown, your metropolitan area, can own three television stations, three, in your hometown; eight radio stations at the same time; the biggest newspaper in town even if it is the only newspaper in town at the same time; and the entire cable system in your hometown even if it includes the all-news channel on cable plus all of the Internet news Web sites that attach to all of those sites.

So listen again, my friends. The FCC has decided in your hometown that one company can own three TV stations, eight radio stations, the only newspaper in town, and the entire cable system including the all-news cable channel. That is absurd. That is crazy. They did not decide that one company can own one TV station and one newspaper. No. That is not what this debate is about. If they had been more tailored, if they had been more restrictive, if they had expanded on some commonsense basis, we would not be out here right now. They did not do that. Every single industry that came in and asked them for something, they said ''yes'' to.

I am the author, in 1995, with the gentleman from North Carolina (Mr. BURR) and Sonny Montgomery, of the 35 percent rule. That is my amendment here. And so I am glad that that is included in the appropriations bill. But I think everyone should understand the consequences of what the FCC is doing and it is coming to your hometown soon. It just goes too far. No one should have that kind of power. The kind of power that one company is now going to have in your hometown will make Citizen Kane look like an underachiever. It is too much in one company at one time. It has to be tailored.

I am glad that this 35 percent rule was included. I think it is important that it was included. It is essential in having a better balance between the networks and the individual communities across the country. And I understand the debate which is going on as to what is the best tactical way of proceeding from here, and I have to respect the incredibly great work that the gentleman from Wisconsin (Mr.

OBEY) did and the gentleman from Michigan (Mr. DINGELL) and the gentleman from North Carolina (Mr. BURR) and the gentleman from New York (Mr. SERRANO) in getting the language in on the 35 percent rule. It is very important. Very important. But there are many other very important issues as well, and I outlined the worst-case scenario; and it is now the law, with one hearing, one hearing held in Richmond, Virginia, where all the lobbyists from Washington just got on the train and went down there for a day.

Personally, I am going to vote for the Hinchey amendment; but I hope you all understand that while it may not pass today that there are big stakes that America is facing as this change is made in American life.

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

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

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

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

AMENDMENT NO. 13 OFFERED BY MR. KING OF IOWA

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

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

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KING of Iowa:

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 engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Mr. KING of Iowa. Mr. Chairman, I appreciate the opportunity to offer this amendment. I am going to do something slightly unusual and simply read it since it is short and it does describe what it does. It says, ''None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.''

Mr. Chairman, this issue arises out of our U.S. Trade Representative's including nonimmigration status, created a whole new category; it was a ''W'' category that now we have changed into H–1Bs. It is being included now in at least discussions in other trade agreements across Central and South America. And so I rise today to offer an amendment to prevent the United States Trade Representative from negotiating changes to U.S. immigration law in trade agreements with other countries. Our Constitution in article 1, section 8, gives Congress, not the U.S. Trade Representative, plenary power over immigration.

Immigration policy does not belong in free trade agreements. My amendment provides that none of the funds appropriated by the bill may be used by the United States Trade Representative to negotiate trade agreements which create or expand a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Recently, the U.S. Trade Representative has negotiated free trade agreements which contain immigration provisions that infringe upon the plenary power of Congress over immigration matters. The first draft of the implementing legislation for the Chile and Singapore free trade agreements included the creation of a new ''W'' category for visas for professional workers. Only after the Trade Representative received serious resistance from the Committee on the Judiciary did they agree to slightly change the immigration provisions to accommodate some, but not all, of the concerns of the Committee on the Judiciary.

The inclusion of immigration provisions in the Chile and Singapore agreements is especially troubling since the agreements will likely be used as a template for future free trade agreements, including those with Central America, Southern Africa, Australia, Morocco and others. The U.S. Trade Representative has negotiated these immigration provisions without any authority or decision to do so from Congress. With my amendment, Congress can reassert congressional primacy over immigration law.

The United States Trade Representative's practice of proposing new immigration law in the context of bilateral or multilateral trade negotiations usurps Congress' constitutional responsibility for immigration law. Trade Promotion Authority eliminates our ability to amend such proposals, taking the plenary power over immigration out of the hands of Congress. We cannot allow this to continue and must prevent the U.S. Trade Representative from agreeing to include immigration provisions in trade agreements.

The practice of including immigration provisions that usurp congressional authority is not limited to the Chile and Singapore trade agreements. The North American Free Trade Agreement and the General Agreement on Trade in Services both included such provisions. In NAFTA, the Clinton administration USTR agreed to a limitless professional worker visa category containing not even a prevailing wage requirement. In GATS, the USTR divested from future Congresses the ability to make possibly crucial modifications to the H–1B visa program.

I am not opposed to free trade agreements. In fact, I am a free trader. We need to make trade agreements with other countries, for example, to increase our agriculture exports. However, the Trade Representative does not need to change immigration law to achieve that goal. As Members of Congress, we often disagree as to what our immigration policy should be, but we are all united in the belief that the responsibility for crafting an immigration policy belongs to Congress, not the executive branch; and we take our duty seriously.

I ask Members to support my amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I understand the gentleman from Iowa is going to withdraw the amendment, and I appreciate that; but I think Members ought to understand that the gentleman raises a very, very valid and very, very important point. I voted for Fast Track. I voted for it without the administration asking me to vote for it. But he makes a very valid point, so I hope someone from the Trade Representative's Office is listening to what the gentleman is trying to say here.

We have a 6.4 percent unemployment rate in the country; and there are many of these workers, moms and dads, who desperately want to return to work. So I do appreciate the fact that the gentleman from Iowa is going to withdraw it. I know the gentleman from Illinois (Mr. CRANE) is going to address the amendment.

□ 1745

But the Trade Representative's Office ought to be paying attention to the King amendment and paying attention to what the gentleman from Iowa (Mr. KING) is saying, or else I think this issue will be dealt with later on.

So I thank the gentleman for offering the amendment.

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

I rise in opposition to the amendment offered by the gentleman from Iowa. The international mobility of business professionals has become an increasingly important aspect of our competitive markets for both suppliers and consumers. Facilitating the movement of professionals allows trade partners to more efficiently provide each other with services such as architecture, engineering, consulting, and construction. TPA establishes that the principal negotiating objective regarding trade in services is to reduce or eliminate barriers to international trade in services.

Each trade negotiation the United States enters, like Chile and Singapore, is approached individually to determine if the conclusion of a temporary entry chapter will benefit U.S. trade in services, and if so, whether a section on temporary entry of professionals is needed in the agreement.

The Chile and Singapore Free Trade Agreements contain provisions allowing for the temporary entry of business professionals into the other party to facilitate trade in services.

This amendment would potentially limit our ability to discuss our current obligations under NAFTA, Chile and Singapore.

This amendment would also encourage other industries that would like their issues taken off the table in future negotiations to offer amendments.

The administration worked diligently to address concerns on temporary entry in the Singapore and Chile FTA, and it is very sensitive to Members' concerns regarding the inclusion of temporary entry provisions in free trade agreements.

USTR inherited a tradition of including such temporary entry provisions in trade agreements from prior administrations. These provisions are used to facilitate trade in services which is a predominant economic interest in the U.S.

My experience with Ambassador Zoellick is that he is very sensitive and responsive to congressional concerns, and I am confident that he will be in this regard as well.

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

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from California for yielding.

Just a few quick points to make on the remarks made by the gentleman. First of all, it is Congress' authority to establish immigration policy, and when we open up and provide that opportunity to the U.S. Trade Representative to inject immigration issues into any and all trade agreements that they might make, that is voluntarily giving up congressional authority that is constitutionally vested in the United States Congress.

We have a responsibility to defend our oath of office, which is to uphold the Constitution of the United States; and once we move outside of that, our Founding Fathers knew better. That is why they put that in the Constitution.

We are not allowed to amend a trade agreement. So by not being allowed to amend a trade agreement, that means that they can inject immigration issues into a trade agreement and those of us who believe in free trade, but do not believe that we should set up the authority with a Trade Representative to bring in any limit of immigration, that puts us in a position of having to decide, devil's choice, are we for the trade or are we against immigration policy?

So it is Congress' authority.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. 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. ROHRABACHER:
Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. ROHRABACHER. Mr. Chairman, this amendment offered by the gentleman from California (Mr. HONDA) and me supports the rights of former American prisoners of war who were captured at the fall of Bataan, the Philippines, in 1942. They were used as slave labor by Japanese corporations during the rest of the Second World War.

These heroes survived the Bataan Death March only to be transported to Japan and elsewhere in infamous death ships. They were then forced to labor for Japanese corporations under the most horrendous circumstances one can imagine. Private employees of these corporations tortured and physically abused our American POWs while the corporations withheld essential medical care and even the most minimal amount of food. All of this, and when it was over, they were not even permitted to be compensated by the Japanese corporations that used them as slave labor.

Perhaps the worst part of this nightmare is that these American heroes have been thwarted in their efforts to secure for themselves just compensation and an apology, and they are being thwarted by our own State Department, which claims they have no right to sue.

My amendment to H.R. 2799 would prohibit any funds in the act from being used by the United States Government to prevent our POWs from seeking a fair hearing in civil court against the Japanese companies that used them as slave labor.

We are told, of course, that if the American POWs seek this compensation from these Japanese corporations, that it would be an insult to the corporate leaders in Japan who led these corporations or an insult to the Japanese people. Ironically, even while we are being told this, the Japanese have extended favorable reparation terms to other victims from other countries, and they continue to settle war claims for people of other countries. But, of course, those other countries have their governments fighting for the rights of their people rather than trying to undermine the rights of their greatest heroes.

Unfortunately, to date, our State Department continues to argue in court against our POWs, touting a ridiculously restrictive reading of the peace treaty between the United States and Japan. In that, our State Department is now betraying our own POWs in order to protect Japanese corporations that used them as slave labor during the war. If our State Department is doing that, it is wrong; and it is therefore up to this Congress to pass this bill to force our State Department to get out of the way of our POWs and let them have their day in court, because every time our POWs come forth to sue these Japanese corporations, our State Department is there arguing against them and tearing down their arguments.

This is not the first time that we have taken on this issue to try to prevent this from happening to our American heroes. On July 18 of 2001, this amendment passed in the House with a resounding vote of 395 to 33. It was also agreed to on September 10, 2001, in identical form by a majority in the United States Senate.

It is a disgrace that this amendment, after having been approved by both Houses of Congress in identical terms, was pulled out of the bill and did not make it into the conference report; thus, behind closed doors, our POWs were again betrayed.

Is this a democracy where if a majority of people in both Houses vote for something, it does not stay in the bill, that someone can just take it out? No. I think that we have got to try to correct this situation now; and if we stand up today, we send a message that this kind of behavior, making these kind of decisions behind closed doors, is unacceptable. And what better issue to draw the line against this practice than in protecting the rights of some of America's greatest heroes?

I would hope that we can once again put restrictions into this bill that will prevent the State Department from using any of these funds that we authorize or appropriate today to prevent our own POWs from suing Japanese corporations that used them as slave labor during the Second World War.

Which side are we on? It comes down to that. Which side are we on? On the side of America's greatest heroes or are we more concerned with the sensibilities of big Japanese corporations who used our heroes as slaves?

I urge my colleagues to join me in supporting this amendment.

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

The amendment was agreed to.

AMENDMENT 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 offered by Mr. OTTER:
At the end of the bill (before the short title), insert the following:
Section . None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

Mr. OTTER. Mr. Chairman, over 200 years ago when the formulation of this great republic was being put together, John Stuart Mill sat down and probably put the essence of this government in writing better than anyone could. ''A people,'' he said, ''may prefer a free government, but if from indolence or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if by momentary discouragement or temporary panic, they can be deluded by the artifices used to cheat them out of it; or if in a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of even a great man, in all these cases, they are more or less unfit for liberty. And though it may have been to their good to have had it for a short time, they are unlikely long to enjoy it.''

The United States PATRIOT Act was well intentioned, Mr. Chairman, especially during a time of uncertainty and panic. However, now we have had a chance to step back and examine it objectively. The legislation deserves serious reevaluation. While I agree with some of the new powers granted to the Federal law enforcement authorities that may be, and I stress ''may be,'' necessary, many more are unjustified and are dangerously undermining our civil liberties.

We have the opportunity to revisit these sections of the USA PATRIOT Act and to correct these mistakes from those first frenzied weeks after September 11, 2001.

One provision, section 213, allows delayed notification of the execution of a search warrant. It authorizes no-knock searches of private residences, our homes, either physically or electronically. By putting off notice of the execution of a warrant, even delaying it indefinitely, section 213 of the USA PATRIOT Act prevents people, or even their attorneys, from reviewing the warrant for correctness in legalities.

These ''sneak and peek'' searches give the government the power to repeatedly search a private residence without informing the residents that he or she is the target of an investigation. Not only does this provision allow the seizure of personal property and business records without notification, but it also opens the door to nationwide search warrants and allows the CIA and the NSA to operate domestically.

American citizens, whom the government has pledged to protect from terrorist activities, now find themselves the victims of the very weapon designed to uproot their enemies.

It is in defense of these freedoms that I offer this amendment today to the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for the fiscal year 2004 bill. This amendment would prohibit any funds from being used to carry out section 213 of the USA PATRIOT Act as signed into law on October 26, 2001. Through the passage of this amendment, Americans would have reinstated a different kind of security, one giving them renewed confidence in their government in tirelessly protecting their individual freedom from unjustified and unnecessary intrusion.

Being secure at the expense of our freedom is no real security. Like many Idahoans who have come to me with their concerns about the USA PATRIOT Act and in passionate defense of their freedoms, we must continue to examine our actions to correct our mistakes to guard against the apathy or the indifference to safeguarding our liberties.

To these Federal agencies, it is a house, it is a building, it is a business; but to us, Mr. Chairman, it is our homes, and there is nothing more sacred than homes in America because it is the foundation on which we build our families. It is the arsenal in which the virtue and hope of every generation resides, and it is the fundamental primer of any free people.

□ 1800

We can, with the adoption of this first alteration to the PATRIOT Act, begin the reclamation of our title of a Nation as a people fit for liberty.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, without really knowing completely what it does. Let me just say if anyone from the Justice Department is listening, is there an office of legislative counsel down there who can give opinions? Hello, is there a policy office down there?

This would be a mistake, though. We are amending the PATRIOT Act, this is not an appropriations issue, on the floor of the House. The gentleman may very well be right, and he seems to have pretty good information, but he may not be. So for us to amend the PATRIOT Act in this bill, I think would be a mistake.

This is not an appropriate amendment for an appropriations bill. This is clearly for the authorizers; this is clearly for the Department of Justice to come up and sit down with the gentleman from Idaho (Mr. OTTER) and discuss this with him. This is clearly for the legislative counsel of the Department of Justice to address.

The gentleman from Idaho (Mr. OTTER) may very well be right. The gentleman from Idaho (Mr. OTTER) may not be right. But undoing a statute with a funding limitation at 6 o'clock at night without knowing what the ramifications are is not really the way to legislate.

So because of that, not because the gentleman from Idaho (Mr. OTTER) is wrong, I want to stress again he may very well be right; and then again, I want to stress he may not be, but I also want to stress that the Department of Justice is AWOL on this issue with regard to coming and sharing with the Congress, and with the gentleman from Idaho (Mr. OTTER), some of the concerns. But in an appropriations bill, I do not think it would be appropriate to amend the PATRIOT Act, without having extensive and deep debate.

So with that, I oppose the amendment. I would be glad, as I said, to set up meetings, should this amendment fail, with the Justice Department and the gentleman from Idaho (Mr. OTTER) so we can get to the bottom, to make sure whether what the gentleman from Idaho (Mr. OTTER) said is true or not true.

With that, I oppose the amendment.

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

Mr. Chairman, I rise in opposition to the amendment, and I would refer the gentleman to my earlier comments about civil liberties and the issues which are contained within the PATRIOT Act.

I may not totally end up on the side of disagreeing with the gentleman once some more research is done. My problem with the amendment is that lately we have been seeing a lot of amendments on this bill, both in committee and on the floor, where we fully do not know the full impact.

That may sound to some people as a contradiction to the fact that I would want to be the leader in changing and I would lead the charge in changing the PATRIOT Act. So I understand that, if there is concern, the gentleman has to be respected for that. But this is an issue that we really need to consult with many people on, and we just do not think it should be done on this particular bill.

With that in mind, not only would I oppose it, but I would hope the gentleman would reconsider and withdraw his amendment.

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

Mr. Chairman, I rise in support of the amendment of the gentleman from Idaho (Mr. OTTER) and am proud to join with him and the gentleman from Texas (Mr. PAUL) in cosponsoring it.

It has been said that Members may not know the impact of this amendment. This amendment seeks to deny funds which would be used to carry out section 213 of the PATRIOT Act, which allows for so-called sneak-and-peak searches. It has been said that Members may not know the impact of this amendment.

Let it be stated here that when this House passed the PATRIOT Act, most Members, as diligent as they are, nevertheless did not have access to see the very bill they were voting on, that, in fact, we were not voting on at 6 o'clock in the afternoon, we were voting on in the dead of night. In an atmosphere of apprehension and confusion and chaos, the Congress passed the PATRIOT Act, which has led to a destructive undermining of numerous provisions of the Bill of Rights. The amendment of the gentleman from Idaho (Mr. OTTER) is the first opportunity that we have had

in this House to correct something that has been a grievous assault on our Constitution.

We are offering this amendment to restore integrity to the fourth amendment by denying funds from being used to carry out section 213 of the PATRIOT Act, that section which allows for the sneak-and-peak searches. Common law has always required that the government cannot enter your property without you and must, therefore, give you notice before it executes a search. That knock-and-announce principle has long been recognized as having been codified in the fourth amendment to the United States Constitution.

The PATRIOT Act, however, unconstitutionally amended the Federal Rules of Criminal Procedure to allow the government to conduct searches without notifying the subjects, at least until long after the search has been executed. Let me tell you what this means. This means that under this law, this law which was passed by the Congress, the government can enter your house, your apartment, your office, with a search warrant, when the occupants are away, search through your property, take photographs, and, in some cases, even seize property and not tell you until later. This effectively guts the fourth amendment protections.

In response to questioning by the Committee on the Judiciary, the Department of Justice makes it clear that the fourth amendment is already in peril as a result of section 213. Listen to this box score of their activity: the Department of Justice reports that sneak-and-peak searches have been used on 47 separate occasions and that the period of delay for notification has been sought almost 250 times. I would suggest to you just once constitutes a threat to our Bill of Rights.

These secret warrants have been used in Federal criminal investigations not necessarily related to terrorist investigations.

Notice with a warrant is a crucial check on the government's power. It forces authorities to operate in the open. It allows citizens to protect their constitutional rights. For example, it allows subjects to point out problems with a warrant, for instance, if the police are at the wrong address or if the scope of the warrant is obviously being exceeded.

If, for example, authorities in search of a stolen car go into someone's apartment and rifle through a dresser drawer, search warrants rightly contain limits on what may be searched. But when the searching authorities have utter control and discretion over a search, American citizens are unable to defend their constitutional rights.

This assault on the fourth amendment is wrong, it is unconstitutional, it is un-American; and it must stop. I would ask my colleagues to recall the oft-invoked words of a great American, Benjamin Franklin, who once said: ''Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.''

I say today that section 213 of the PATRIOT Act destroys an essential liberty. The Otter amendment restores it.

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

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

Mr. PAUL. Mr. Chairman, I rise in support of this amendment. I want to compliment the gentleman from Idaho (Mr. OTTER) for bringing this to the floor.

When the PATRIOT Act was passed, it was in the passions following 9/11, and that bill should have never been passed. It was brought up carelessly, casually, in a rapid manner. The bill that had been discussed in the Committee on the Judiciary was removed during the night before we voted. The full text of this bill was very difficult to find. I am convinced that very few Members were able to review this bill before voting. That bill should have never passed. We certainly should continue to maintain the sunset provisions. But that is a long way off, and we should be starting to reform and improve this particular piece of legislation. This is our first chance to do so.

I have had many Members in the Congress come to me and on the quiet admit to me that voting for the PATRIOT Act was the worst bill and the worst vote they have ever cast; and this will give them an opportunity to change it, although this is very narrow. It is too bad we could not have made this more broad, and it is too bad we are not going to get to vote on the amendment of the gentleman from Vermont (Mr. SANDERS) to make sure that without the proper search warrant that the Federal Government would not have access to the library records.

But there is no need ever to sacrifice liberty in order to maintain security. I feel more secure when I have more liberty; and that is why I am a defender of liberty, because my main concern is security, both in the physical sense as well as the financial sense. I think the freer the country is, the more prosperous we are; and the freer the country is, the more secure we are.

Yet it was in the atmosphere of post-9/11 that so many were anxious to respond to what they perceived as demands by the people to do something. But just to do something, if you are doing the wrong thing, what good is it? You are doing more harm.

But my main argument is that there is never a need to sacrifice liberty in order to protect liberty, and that is why we would like to at least remove this clause that allows sneak-and-peak search warrants.

It took hundreds, if not thousands, of years to develop this concept that governments do not have the right to break in without the proper procedures and without probable cause. And yet we threw that out the window in this post-9/11 atmosphere, and we gave away a lot.

Yes, we talked about numbers of dozens of examples of times when our government has used this and abused it. But that is only the beginning. It is the principle. If they had only done it once, if they had not done it, this should still be taken care of, because as time goes on, and if we adapt to this process, it will be used more and more, and that is throwing away a big and important chunk of our Constitution, the fourth amendment.

Not only should we do whatever we can to reform that legislation, but we already know that there is a PATRIOT Act No. 2. It has not been given to us, the Congress; but the administration has it for the future. It is available, but we have only gotten to see it from the Internet.

In that bill there is a proposal that the government can strip us of our citizenship, and then anybody then stripped of their citizenship could be put into the situation that many foreigners find themselves in at Guantanamo before the military tribunals.

I see this as a very, very important issue, if anybody cares about liberty, if anybody cares about personal freedom and the rule of law and the need for probable cause before our government comes barging into our houses. It has been under the guise of drug laws that have in the past instituted many of these abuses, but this is much worse. This has been put into an explicit piece of legislation, and the American people and this Congress ought to become very alert to this and realize how serious the PATRIOT Act is.

I hope that the Congress and our colleagues here will support this amendment. It is very necessary, and it will be voting for the Constitution; and it will be voting for liberty if we support this amendment.

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

Mr. Chairman, I want to congratulate the gentleman from Texas (Mr. PAUL) who just spoke. It is a cliche in this House that almost no speeches change people's minds, but I think this speech is one occasion when it has certainly changed mine, and I want to thank the gentleman for that.

Originally, when I first heard the amendment offered, I thought, well, this is not the right place for this, and it is not; and I thought there may be ramifications to this that we do not understand, and there probably are. But I have full confidence in the ability of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to see to it that that is fixed in conference if this amendment is adopted.

The reason I have changed my mind listening to the gentleman from Texas and the reason I intend to support this amendment is because of the history of the PATRIOT Act.

□ 1815

When the first act was brought to this House floor, I voted ''present'' because this House had no idea what was in it. We were asked to vote blind. And as a protest to doing that, even in the heat of 9–11, I voted ''present'' to signify that I did not feel that I knew enough about the contents of that bill to vote for it.

When it came back from conference, I very reluctantly voted ''yes,'' because I thought there were some things in it that, because of what I had learned in classified briefings, we needed to face. Things like being able to go after multiple telephones rather than just being able to target one telephone number of a suspected terrorist, for instance. So I assumed that given the unifying approach that the administration at that point had been taking after 9–11, I assumed the Justice Department would exercise those authorities with restraint. I was wrong.

I believe this Attorney General has far overreached legitimate boundaries. I often disagree with The Washington Post, but I have to congratulate their constant drumbeat of editorials in support of preserving the values of the Constitution that protect individual freedom and privacy. And when I see the Justice Department overreach, as it has, and when I see them assert the claim that they have a right to lock up anybody they want without any kind of court review whatsoever, I am appalled and chagrined and horrified.

So in my view, anything that can be done to push the Justice Department back a little bit closer to the Constitution, anything that can be done to reinforce Congress's determination to give PATRIOT II a far tougher scrutiny than it gave PATRIOT I, I am willing to do.

So I congratulate the gentleman from Texas (Mr. PAUL), because my first reaction was that we did not know enough about the effect of this amendment to adopt the amendment. But upon reflection, after hearing the gentleman, I conclude that we know far too much about how PATRIOT I has been used not to adopt this amendment. As I say, the gentleman from Virginia is correct, that there may be problems with this; but I really think we have the capacity to fix those problems in conference if there are problems.

Mr. Chairman, I want the Justice Department to have to come to us and assure us that the way they are enforcing the law that we have given them the authority to enforce is the correct way. I do not want us to have to go hat in hand to the Justice Department asking them to defend the Constitution.

So I would at this point simply say I think the gentleman is right. We ought to adopt this amendment if for no other reason than to send a message to the Justice Department that we want respect for law demonstrated by the Justice Department as well as average citizens of this country.

I thank the gentleman for his speech, and I thank the gentleman for offering the amendment.

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

Mr. Chairman, I find myself feeling good that once today I can agree with the gentleman from Wisconsin (Mr. OBEY), and that is that the gentleman from Idaho (Mr. OTTER) has brought forth a very important amendment which is addressing an issue that I believe millions of Americans from very different political perspectives, whether they are conservatives, like the gentleman from Idaho (Mr. OTTER), or progressives like myself, or people in between, are demanding a tough examination of, and that is the U.S.A. PATRIOT Act.

Everybody in our country knows that on 9–11, 2001, a dastardly attack took place against our country and 3,000 innocent people were killed. And every Member of this Chamber pledges to do everything that we can to protect the American people from other acts of terrorism and to do everything that we can to wipe out terrorism throughout the world.

But what some of us very strongly believe is that we should not be undermining basic American constitutional rights in the fight against terrorism. We have strong law enforcement capabilities in this country to fight terrorism, and we have to support our law enforcement officials to do that. But we can fight terrorism without denying the American people their basic constitutional rights, and that is the point that I think the gentleman from Idaho (Mr. OTTER) is making today.

As my colleagues know, I am very disappointed on a similar issue, section 215, which deals with the FBI going into libraries and book stores all over this country with virtually no probable cause. That issue is not being debated. But I applaud my friend from Idaho for demanding that this body begin, just begin to take a hard look at the U.S.A. PATRIOT Act, which passed so swiftly through this body where I think many honest Members will acknowledge that they really did not have the time to look at all aspects of that legislation.

So I rise in strong support of the Otter amendment, and I hope that it carries.

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

Mr. Chairman, there is a lot of discussion as to whether or not this is an appropriate time or the appropriate place to debate this issue. Certainly there will be more debate to come. But this is as good a time as any, and as good a place as any, because it is a good amendment that definitely needs to be heard.

Mr. Chairman, I yield to the gentleman from Idaho.

Mr. OTTER. Mr. Chairman, I thank those who have engaged in the debate, whether one is for or against this amendment.

But there is one thing I must notice and bring to everybody's attention, Mr. Chairman, and that is that pound for pound, we have debated this amendment longer than we debated the PATRIOT Act. We passed the PATRIOT Act in 45 days. The smoke was still coming up out of the rubble in New York City and at the Pentagon, and who could not be torn by still hearing the cries and the pain of the victims and the families of those victims.

But now we have an opportunity to reflect back on what have we done. I have to tell my colleagues that the comments that have been made relative to, is this the proper time or is this the proper place, I am just so thankful that our Founding Fathers did not sit around and say that. It was the time. It was the place. And that is the legacy that they gave us; and that legacy demands that whenever the opportunity arises, we have an obligation to stand and to stand firm to make sure that the liberties of the American people are foremost. There is only one purpose for government, one purpose for government, and that is to defend us in the peaceful exercise of our liberties.

So I am hoping, once again, as my friend, the gentleman from Vermont (Mr. SANDERS), said, that this will be the first in the piece-by-piece taking back the freedoms and the liberties that we have, while leaving some of the PATRIOT Act in place. The proper role of government, the proper role of government is to defend us in the free and peaceful exercise of our liberties and in our homes, and not to take those away from us.

So I pray, I hope that today we begin that process, and I invite the gentleman from Wisconsin and all others who will want to participate in that to join me.

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

Mr. Chairman, first, I want to rise to express a lot of empathy and sympathy with the concerns expressed on the Otter amendment. I think that they are very legitimate questions. I think some of the concerns about the rapidity with which the PATRIOT I Act was passed in the aftermath of a huge American historic tragedy are legitimate concerns. But the rapidity with which we are passing this amendment in some ways reflects the problems that some of the proponents of the amendment are suggesting the original PATRIOT Act is guilty of.

I will tell my colleagues that it is important to have deliberation and thoughtfulness as we go through the process of striking a new balance. I think all of us will recognize that the last time the mainland of the United States was attacked by a foreign power before September 11 was in 1812. All of us here are civil libertarians, but defining the balance between order and liberty is a constant struggle with new technologies, with new challenges.

When was the last time that we as Americans before September 11 literally thought about the terror of a potential biological, chemical, nuclear attack from a foreign power? This is a whole new set of balancing that we have to do within the great framework that the founders provided us in the Constitution. And I agree with the gentleman from Idaho (Mr. OTTER) and the proponents of this amendment that we need to have careful and thoughtful reflection, and we need to be constantly dealing with balancing these new issues.

But I do believe that the best place to do that is through the subcommittee process, in committees like the Committee on the Judiciary, which I serve on. We hear expert testimony from civil libertarians and law professors, from prosecutors and defense attorneys, from people throughout the country who have expertise in advising us, as the body that represents the people of the United States in a democratic fashion, but also in a fashion that respects the constitutional framework.

I personally am a huge civil libertarian, and there is much in the suggestion that the gentleman from Idaho (Mr. OTTER) and the proponents have of this amendment with which I hugely sympathize. But I will tell my colleagues this: in a new day when all of our children and all of our grandchildren are constantly under threat of biological, chemical, or nuclear terror, which was not true, 10, 15, 20, 30 years ago, the time for us has come to move into the 21st century in terms of preparing the defense of the homeland. That is why we created an Office of Homeland Security.

Now, let me address the merits of the amendment itself, because with all due respect, there is some suggestion that the PATRIOT Act radically changed the process of delayed notification. The question is when a subpoena is issued, are there times when actual prior notification to the recipient of the subpoena can be waived; and the answer is, it has always been true, or at least far before September 11, that in most circuits in the United States, Federal courts have allowed the delayed notification. But several things are required.

Number one, one would think from listening to some of the debate that any prosecutor or any sheriff or any law enforcement agent or any FBI agent could go in and subpoena records and tell people only after the fact that their records had been confiscated and reviewed by the government. That is a scary thought, but it is simply not accurate. The truth of the matter is that in all events, 213 requires that a judge make a decision. The authority is based on a court order and a court order alone. So a judge is going to review all of the potential evidence in the case to determine whether or not the delayed notification is warranted.

I want the people to understand throughout America when courts are in power, and the only time they are in power to approve delayed notification, courts can delay notice only when immediate notification, in other words, prior notification, might result in the death or physical harm of an individual.

Imagine the events leading up to September 11 and the intelligence we now know, if we had been better prepared to put it together, assimilate it, understand what it meant. Courts can only delay notification if the death or physical harm of an individual is impacted, or when there is flight from prosecution; and we had some 19 terrorists floating around America that we now know organized the September 11 events; evidence tampering, or witness intimidation.

Mr. Chairman, I would suggest that the Otter amendment raises concerns that I share, and those concerns are that we have to balance in a new technological world, in a world of new threats, liberty and order and security and homeland security. I would suggest that the issues raised here are appropriate to debate. We will be debating them for years, dare I say decades; but I do not think the place to debate them is in the appropriation bill of the gentleman from Virginia (Mr. WOLF).

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Idaho (Mr. OTTER).

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

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

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

AMENDMENT OFFERED BY MR. TANCREDO

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

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

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

□ 1830

Mr. TANCREDO. Mr. Chairman, in 1996, this body passed the Illegal Immigration Reform and Immigration Responsibility Act. Other provisions of that act, it is noted in the amendment, state that ''Notwithstanding any of the provisions of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.''

Now, this was a good provision of law. I am glad it was passed and that President Clinton signed it. The only problem with this particular law is that there is no sanction should any State, local or any other agency choose to violate the law. So this amendment is similar to the one I offered during consideration of the Homeland Security appropriations bill.

Outrage is often expressed by Members of this House when corporations flee from the United States seeking some sort of tax haven off the coast of America, yet dare to seek Federal funds in the several appropriations and tax bills that we pass in this body. They are indignant; and I, by the way, share the feeling of indignation.

In that same vein, I think it is outrageous to have cities and States applying for law enforcement funds under this act when they passed laws and ordinances, which has been done in several cities and States around the country, that actually prevent the law enforcement agencies in those cities from sharing information with or obtaining information from the Immigration and Naturalization Service, or as it is now known, the Bureau of Immigration and Customs.

Unfortunately, there are cities in the United States that have disregarded the law. Recently, as a matter of fact, the City of New York rescinded an ordinance that it had on the books for 20 years that had prohibited police officers from communicating with the INS.

Mr. Chairman, there are several cities in the United States that have chosen to pass legislation, pass laws that in fact restrict the ability of their own police forces in many cases from sharing information with the now Bureau of Immigration and Customs. This is a violation of law, the law that we have on the books.

I am not trying to expand the law. I am simply trying to do something that would help us enforce the law.

It is a very simple amendment. It says that if you make that choice as a city or State to make America a more dangerous place by refusing to share data with or accept data from Federal immigration authorities, that you will forgo State and local law enforcement assistance funds. If a city or State makes an affirmative choice to thumb their nose at the Federal law, then they get no Federal money under the provisions of this particular act; it is as simple as that.

There are, in fact, right now we have, Lord knows, how many immigration

policies being operated in the country. And the question we have to ask ourselves is, how many should there be and who should be responsible for setting immigration policy? Is it not the position, is it not the sole responsibility of the Federal Government to set immigration policies? And yet we have it now happening all over the country that cities are determining their own.

Well, I guess if we cannot stop that from happening, at least what we can do is say, they cannot apply for Federal funds under this particular provision of the act. That is really all it does. It does not actually restrict any money from flowing to any city because all they have to do is, of course, abide by the law that is already on the books.

I guess I have to keep reiterating, because I know on the last discussion we had on the matter there was a lot of concern about whether or not we were creating a brand-new law. I repeat, this is not creating new law. It is simply asking for some sort of enforcement mechanism or sanction for a city that decides to actually violate the law. That is all there is to it.

It has no significance in terms of immigration policy. There was a lot of discussion about that, whether we were changing that. It is simply reinforcing the fact that the United States of America, the Federal Government, has the sole responsibility to set immigration policy. We cannot let States and cities do their own all over the country. Something has to be done to change that. This is my attempt to do just that.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Colorado (Mr. TANCREDO), is a good friend, and I appreciate all the good work he has done on Sudan and the Sudan Peace Act and other issues. It is painful to rise in opposition to this.

This amendment is exactly what we did before on the Homeland Security bill. There was a vote on the Homeland Security appropriations bill, the Rogers bill, it was 106 for the Tancredo amendment, 322 against. We are facing this issue again.

In this subcommittee we do not have jurisdiction over the Bureau of Immigration and Customs Enforcement. That is under the jurisdiction of Homeland Security appropriations and not this subcommittee.

Also, I understand the gentleman's amendment could result, or probably would result, in the States not being able to receive funding under State and local law enforcement assistance. It could have a devastating impact on resources made available to State and local law enforcement and to citizens that are involved. It could result in States losing tens of millions of dollars in programs such as the Byrne program. People are complaining that there is not enough money in here for the Byrne program; this amendment would reduce that.

The SCAAP program, the budget request has zeroed out SCAAP. We have it at $400 million. That would be impacted, drug courts, State prison drug treatment programs. So to punish the State and local law enforcement, I believe, is not the way. Also, this amendment really should have been offered as it was drafted and it is more appropriate for the Homeland Security bill. We do not have the jurisdiction over the Bureau of Immigration and Customs Enforcement.

So I oppose the amendment and would urge Members to vote no. This amendment is basically what we did several weeks ago, the amendment failed 322 against and 122 for.

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

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

Mr. OBEY. Mr. Chairman, I would just like to reiterate what the gentleman from Virginia (Mr. WOLF) said. Rather than taking a long time speaking against this amendment, I think Members should understand that the House has already turned this proposition down by a vote of 322 to 102.

We will have copies of that previous rollcall here at the desk if Members want to know how they voted on previous occasions.

I thank the gentleman for yielding.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I listen to this debate, I think there is a point that needs to be clarified and that is what the gentleman from Colorado (Mr. TANCREDO) seeks to do is simply say that if you are a local government and you have passed an ordinance that prohibits your employees from cooperating with Federal law by providing information to, and this is the Federal law, specifically, the Illegal Immigration Reform and Immigration Responsibility Act of 1996. We have out here about a baker's dozen of major cities in this country that have passed an ordinance saying we are going to be a safe haven and we will not cooperate with the Federal entities or Federal law, and the ordinance says so.

So if we are going to have any linkage at all between Federal dollars and this rule of law that requires cooperation between all levels of government, we need to put some strings in here; and that is what we have done.

I was rather taken aback some years ago when the fairly new city of El Cenizo, Texas, precluded their employees from complying with Federal agents. I thought that was an anomaly; instead, it is becoming a standard.

With regard to the comment that there is no jurisdiction over the Bureau of Immigration and Customs in this committee, I do agree with that particular statement as far as the jurisdiction is concerned. But we need to have a hook in here. This is dollars, and it just says that if you have an ordinance that prohibits your people from complying with this Federal law, we are not going to allow the dollars to go then to that particular political subdivision or community.

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

Mr. Chairman, first of all, I rise in opposition to the amendment. Very briefly, this amendment runs the risk, as others have, of breaking down local relationships that law enforcement has tried to build with some communities.

Picture, if you will, the situation that a lot of police departments throughout this Nation have in large cities especially and in other communities where they are trying on a daily basis to build a relationship with folks that are just coming to the country. In many instances, and this we can attest to, whether you have been born here, whether you have just arrived here, whether you are a citizen or you are not, the whole idea of dealing with the Immigration Department is one that strikes fear in the hearts of many people and it is across the board.

Police departments, local law enforcement are aware of this and part of their relationship building has been the fact that they have always been seen as something other than the Immigration Department.

Now, to continue to try to force local law enforcement to, in fact, act as immigration officers just breaks down the ability of those relationships to be put together. So, therefore, if you take a situation where, and police have said this over and over again in other issues where they were asked to participate in these kinds of behavior where they said, look, if we need to know who committed a crime, if we need to know what is going on in a neighborhood, if we need to know how to go in and deal with issues of crime and other forms of abuse, we need the confidence of the community we are dealing with.

If they think in any way, shape or form that we are only dealing with immigration issues or that we are, in fact, immigration officers, we lose the ability to deal with this community, we lose the ability to have them as supporters of what we do.

Now, this amendment says, and if you choose to build those relationships and if you choose to act in that way and we find out, we will withhold from you dollars, very valuable dollars, that go to all the issues we have discussed here in the fight against crime and all the issues that we need to take care of locally.

So I really think that this is an ill-conceived notion. It was defeated before. As the gentleman from Wisconsin (Mr. OBEY) said, Members can come and look at their vote. It was defeated strongly in this House and it should be defeated again.

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

Mr. Chairman, the gentleman from Colorado (Mr. TANCREDO) with this amendment declares war on Los Angeles and a number of other cities

throughout this country. He takes a city that is desperately trying to increase the size of the police force, using its own resources and utilizing State and Federal resources where they are available, to expand, to remove itself from the distinction of being one of the most under-policed cities in the country and says, You are no longer eligible for the Byrne program. You are no longer eligible for local law enforcement assistance block grants. You are no longer eligible for more than a billion dollars of funds appropriated by this bill to help local law enforcement around the country.

Why? Well, the gentleman would have you believe it is because the City of Los Angeles and other jurisdictions, State and local, around this country, have chosen to try to promote and protect undocumented immigrants who have come to this country. But the truth is very far from that.

The problem is, there are millions and millions of undocumented people in this country, and if they are going to report when they are the victims of rapes and robberies and assaults and other violent crimes that their immigration status will be referred to the INS, they are not going to report those crimes. And where witnesses know that if they come forward to report what they have observed in terms of violent crime, their names are going to be referred to the INS, they are not going to come forward. And local law enforcement in many jurisdictions has concluded that their mission of trying to deter and apprehend violent criminals and incarcerate them is going to be seriously impeded by the policy the gentleman seeks to advocate. They have undertaken their own policies to try to encourage people to come forward.

Now, to tell those cities and States and counties around this country that because they have undertaken those policies, they are ineligible for one dollar of any of the Federal grant programs to help local law enforcement to build up their ranks, provide the bulletproof vests, provide the technology and the crime labs to deal with any of these very important missions, they are ineligible.

This is a reckless and unfortunate amendment.

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

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I would like to ask the gentleman, he has been here in the Congress for several years. Does the gentleman recall if he voted for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996?

Mr. BERMAN. I know I opposed the bill that came out of the conference committee.

Mr. TANCREDO. I know that many of the gentlemen who have spoken here did, in fact, vote for it. I do not know if the gentleman did.

Mr. BERMAN. I am telling you how I voted.

Mr. TANCREDO. You opposed the bill?

Mr. BERMAN. I opposed the bill that came out of the conference committee.

Mr. TANCREDO. Then you have a right, of course, to argue with the concept. But many of the people who already argued against the bill voted for the original bill.

Mr. BERMAN. Reclaiming my time, I not only have a right, but I have a duty to try and protect the jurisdiction that I represent in this body from a Draconian, harsh, unjustified amendment which seeks to cut off all funding.

If the gentleman wants to promote this policy, let him introduce a bill. Let it go through the Committee on the Judiciary. Let it go through the regular process. But do not render L.A. and a number of other jurisdictions throughout this country ineligible for local law enforcement assistance in order to promote his very narrow and, I think, self-defeating ideological agenda.

□ 1845

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

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

Mr. OBEY. Mr. Chairman, I would simply say that all of us, regardless of how we voted on the original bill, have an obligation to determine whether or not this amendment will contribute to reduced effectiveness of law enforcement or enhanced effectiveness of law enforcement, and obviously 322 Members of the House the last time around recognized it would contribute to a lowered standard of law enforcement, which is what they ought to recognize on this amendment again tonight.

Mr. BERMAN. Mr. Chairman, reclaiming my time, just my final comment on this, the gentleman is absolutely correct. Policies are initiated not about philosophical positions on the question of how to deal with undocumented people in this country or illegal immigrants in this country. The question is how best for law enforcement to serve their local missions; and to have this body come in and seek to intrude on that process by shutting off the means that we have decided are worthy to help local law enforcement have the manpower and the technology and the resources to apprehend violent criminals, I think is just crazy; and I urge this body to defeat this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, one of Mr. TANCREDO's amendments would impose restrictions on the Department of Justice with respect to making funds available to assist State and local law enforcement programs. Such financial assistance would be denied to a State of local government that has prohibited its police forces or other government entities from providing information about the immigration status of aliens to the Department of Homeland Security.

In fact, State and local governments are already prohibited from imposing such restrictions on their police forces and other government entities by section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. §1373(a). It is apparent, therefore, that the threat of losing financial assistance is not necessary. The conduct addressed by Mr. TANCREDO'S amendment can be stopped already on the basis of the fact that it is unlawful.

Mr. TANCREDO's other amendment would prevent the Department of State from receiving funds that would be used to assist foreign governments in the development of consular identification cards. It is not apparent why the State Department would be using funds for that purpose in the first place.

Nevertheless, if a foreign government requested such assistance, I do not believe that it would be improper to provide it. For instance, our government may be able to provide valuable assistance to some foreign governments with respect to such things as high security devices for preventing the creation of fraudulent consular identification cards.

I urge you to vote against both of these amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. TANCREDO. 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. TANCREDO) will be postponed.

AMENDMENT OFFERED BY MR. OSE

Mr. OSE. 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. OSE:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

Mr. OSE. Mr. Chairman, I rise before my colleagues today to offer an amendment to the Commerce-Justice-State and the Judiciary appropriations bill to prohibit funds to the Department of State for the issuance of visas to child abductors and their immediate family and agents who aid and abet these child abductors.

Despite an increasingly high level of congressional and public concern regarding the tragedy of international parental child abduction and wrongful retention of American children abroad, the plight of American children persists.

The State Department reports 1,000 international parental abductions of children annually. Between 1973 and 1991, about 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border.

In fact, estimates of the actual total exceed 10,000 American children.

The House Committee on Government Reform, of which I am a member, has held numerous hearings on this matter, and I want to thank the gentleman from Indiana (Mr. BURTON) during his tenure for his guidance on that. I have heard heart-wrenching testimony from mothers and fathers who have lost their children through child abduction, and I have heard from children who have returned to the U.S. as victims of child abduction.

Under current law, we have remedies for returning children who are abducted to nations that have signed the Hague Convention on the Civil Aspects of International Child Abduction. However, for nonsignatory nations, there are few remedies.

One specific provision of current law denies visas for admission to the United States for child abductors, their immediate family or agents, who aid or abet a child abductor. Our amendment will prohibit funding to the State Department for any violation of this act. It is important for the State Department to utilize all available remedies for applying pressure for the return of these abducted children.

I again want to thank the gentleman from Indiana (Mr. BURTON) and want to add my appreciation and compliments to the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for their support of this amendment. I have had significant conversations with the gentleman from Virginia (Mr. WOLF) about this, and he is very attentive to this issue.

We are all too familiar with cases of abducted children. It is time for our foreign counterparts to take notice of the 10,000 American children who have been abducted overseas. This is a nonpartisan issue that none of us can afford to ignore any longer.

Mr. Chairman, if I may, there are two classes of countries. There are countries that have signed the Hague Convention, and there are countries that have not signed the Hague Convention. My limitation addresses those that have not signed the limitation; and it is consistent with 8 U.S. Code 1182, which is an existing law in the Immigration and Naturalization Act allowing the Secretary of State to deny visas to people who he has been notified have been involved in the abduction and retention of children in violation of a court order.

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

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

Mr. WOLF. Mr. Chairman, I just would say I strongly support the amendment and want to thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for this. This has been a real problem, and I think what the gentleman has done is going to force this to be addressed.

I know that the gentleman from Indiana (Mr. BURTON) has done an outstanding job with regard to the Saudi government. I saw the ''60 Minutes'' piece; and when we talk to these moms, these children have not been released.

So I will vote for the amendment, support the amendment. I think it is a great amendment; and with that, I want to again thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and all the others.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from California (Mr. OSE) for working on this. He has been a real leader in showing concern for these mothers who have had their children kidnapped to Saudi Arabia and elsewhere, never to be seen again or heard from again; and I want to thank the chairman of the committee, the gentleman from Virginia (Mr. WOLF). He has been a fighter for human rights for a long, long time; and this is another manifestation of his dedication to making sure that human rights are realized.

Let me just tell my colleagues one story, and then I will yield back my time. We had a young lady from Terre Haute, Indiana. She had three children. She was married to a Saudi who had gone to college over here. They were divorced, and he went back to Saudi Arabia.

The mother was very concerned when he wanted to visit the children for the summer, have them visit him, that he would take them to Saudi Arabia and she would not see them anymore. So she went to the judge and she told the judge of her concern, and the judge said, well, we cannot very well keep the father from seeing his children. However, we will tell the Saudi embassy of the divorce decree and that you have custody of the children and that they are not to be taken out of the country, and we will tell the father that he is not to take the children out of the country.

They told the father when he got the children he was not to take the children out of the country. He could have them for a couple of weeks in the summer and return them to the mother. He said he would. His passport and the passports of the children were surrendered.

He got the children. He went to the Saudi embassy in Washington, D.C. They issued passports for the children, even though there was a court order against it, and the mother had custody. He took the children to Saudi Arabia, three children; and the mother has not seen the children or talked to them since. Maybe she talked to them one time on the telephone.

This is just one example of the tragedy that has been taking place regarding these children who are being kidnapped to Saudi Arabia and other countries throughout the world, and the gentleman from California's (Mr. OSE) amendment will be a giant step in the right direction to put pressure on the Saudi Government to assist in returning these children to their rightful parent, the parent who has custody of them.

There are other issues regarding this sort of thing, women who have been kidnapped to Saudi Arabia, who cannot get back because of the Saudi laws and because men, in effect, own the women over there and the children. So we are continuing to try to put pressure on them, and the gentleman from California's (Mr. OSE) amendment is a giant step in the right direction in dealing with this, and I want to thank him and the gentleman from Virginia (Mr. WOLF) and all of the cosponsors of the bill.

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

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. OSE. Mr. Chairman, I want to clarify the critical piece on this 8 U.S. Code 1182 is a notification process for the Secretary of State to receive notice from the families that an issue involving the foreign alien and these children has arisen. The Secretary of State's office, in our conversation with them, will receive a fax, a registered letter, a phone call, an e-mail, all these things; and my purpose in bringing that up is to try and establish a legislative history that the Congress is comfortable with any one of those singular forms of communications as long as it can be substantiated in a court of law that the Secretary of State has been put on notice. So I thank the gentleman for yielding.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for that clarification.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the Ose/Burton/Lampson/Maloney amendment.

This amendment speaks directly to the American children who have been torn apart from their parents and are being held against their will in a foreign country that does not observe the many rights American citizens enjoy in this country.

Between 1973 and 1991, roughly 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border.

We have heard from the worst of these cases in the Government Reform Committee which include young children, American mothers, and Saudi fathers.

Saudi men wield an extraordinary amount of control and power over women and children in Saudi Arabia.

Children cannot travel without the approval of their father, often, the very person who kidnaped them to a foreign country.

Women are not allowed to drive a car.

They cannot walk outside without completely covering themselves with an abaya.

And, women are prohibited from studying certain subjects in school.

These are just a few examples of the breach of basic human rights that is at the root of the problem of child abduction.

Women in Saudi Arabia have very few rights and the result is the tragic child custody cases where families are broken apart and children are stripped from one of their parents.

The United States has long taken a lead in creating a mechanism for the return of children abducted internationally and was instrumental in the negotiation of the Hague Convention on the Civil Aspects of International Child Abduction.

The Convention provides a civil legal mechanism in the country where the child is located for parents to seek the return of, and access to, their child.

Since the Kingdom of Saudi Arabia is not a signatory to the Convention, these rules do not apply, and the result is that children suffer.

I remind my colleagues that we must not forget that we are talking about real people, real daughters and sons who are separated from a parent.

Each time a parent abducts, or wrongfully retains a child from his or her home, and prevents the child from having a relationship with the other parent, the trauma to the child is immediate and compounded each day the child is not returned home.

This amendment will provide a tool for the State Department to help American children reunite with their families.

It is the least we can do.

I urge a ''yes' vote on this amendment.

Mr. OSE's amendment would bar funding by the State Department to issue entry visas for anyone who violates U.S. child abduction laws and those relatives who aid and abet them.

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

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

Mr. OSE. 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 California (Mr. OSE) will be postponed.

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. 10 offered by the gentleman from Texas (Mr. PAUL); amendment offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 2 offered by the gentleman from New York (Mr. HINCHEY); amendment offered by the gentleman from Idaho (Mr. OTTER); amendment offered by the gentleman from Colorado (Mr. TANCREDO); amendment offered by the gentleman from California (Mr. OSE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) 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. The vote on the Ose amendment will be postponed to later this evening.

The vote was taken by electronic device, and there were—ayes 145, noes 279, not voting 10, as follows:

[Roll No. 405]

AYES—145

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
LaTourette
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—279

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
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
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Brown (OH)
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Kelly
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1917

Ms. MCCOLLUM, Mrs. MILLER of Michigan and Messrs. WELLER, BOEHLERT and DEFAZIO changed their vote from ''aye'' to ''no.''

Ms. HART, Messrs. SHIMKUS, JANKLOW, GREEN of Wisconsin, PETERSON of Pennsylvania and CRENSHAW, Mrs. NORTHUP and Mr. HALL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, on rollcall No. 405 I inadvertently voted ''no.'' I intended to vote ''yea.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) 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 307, noes 119, not voting 8, as follows:

[Roll No. 406]

AYES—307

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
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
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOES—119

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Blumenauer
Capps
Capuano
Carson (IN)
Case
Castle
Clay
Clyburn
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Wexler
Wolf
Woolsey

NOT VOTING—8

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1926

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

Mr. SWEENEY and Mr. PASTOR changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) 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 174, noes 254, not voting 7, as follows:

[Roll No. 407]

AYES—174

Abercrombie
Ackerman
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Gibbons
Gillmor
Gingrey
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hayworth
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Kanjorski
Kaptur
Kelly
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Northup
Oberstar
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Petri
Platts
Price (NC)
Rangel
Renzi
Rodriguez
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walsh
Watson
Watt
Waxman
Weiner

Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—254

Aderholt
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
English
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Payne
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1934

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OTTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. OTTER) 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 309, noes 118, not voting 7, as follows:

[Roll No. 408]

AYES—309

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Abercrombie
Aderholt
Ballenger
Bass
Beauprez
Blackburn
Boehlert
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Feeney
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Harman
Hart
Hayes
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kline
Knollenberg
Kolbe
Lewis (CA)
LoBiondo
McInnis
McKeon
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Northup
Norwood
Nunes
Oxley
Pearce
Pence
Pitts
Platts
Quinn
Ramstad
Regula
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simmons
Smith (MI)
Smith (TX)
Souder
Sweeney
Tauzin
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walsh
Weller
Wilson (NM)
Wolf

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1942

Mr. FOSSELLA changed his vote from ''aye'' to ''no.''

Mr. BLUMENAUER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) 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 122, noes 305, not voting 7, as follows:

[Roll No. 409]

AYES—122

Aderholt	Franks (AZ)	Otter
Akin	Gallegly	Paul
Bachus	Garrett (NJ)	Pearce
Baker	Gingrey	Pence
Barrett (SC)	Goode	Peterson (PA)
Bartlett (MD)	Goodlatte	Petri
Barton (TX)	Graves	Pitts
Bereuter	Green (WI)	Platts
Bilirakis	Gutknecht	Putnam
Blackburn	Hayes	Ramstad
Boozman	Hayworth	Rehberg
Bradley (NH)	Hefley	Rogers (AL)
Brady (TX)	Herger	Rogers (KY)
Brown (SC)	Hoekstra	Rogers (MI)
Brown-Waite, Ginny	Holden	Rohrabacher
	Hostettler	Royce
Burgess	Hulshof	Ryun (KS)
Burns	Hunter	Schrock
Burton (IN)	Isakson	Sensenbrenner
Buyer	Istook	Sessions
Camp	Janklow	Shadegg
Cantor	Jenkins	Shays
Carter	Johnson, Sam	Shimkus
Chabot	Jones (NC)	Smith (TX)
Coble	Keller	Stearns
Collins	King (IA)	Sullivan
Cox	Kingston	Tancredo
Crane	Linder	Taylor (MS)
Crenshaw	Lucas (OK)	Taylor (NC)
Cubin	Manzullo	Thornberry
Culberson	McCrery	Tiahrt
Cunningham	McInnis	Toomey
Davis, Jo Ann	Mica	Turner (OH)
Deal (GA)	Miller (FL)	Upton
DeMint	Miller, Gary	Vitter
Doolittle	Moran (KS)	Wamp
Duncan	Murphy	Weldon (FL)
Emerson	Musgrave	Weldon (PA)
Everett	Myrick	Whitfield
Feeney	Neugebauer	Wicker
Forbes	Norwood	Wilson (SC)

NOES—305

Abercrombie	Bishop (UT)	Capuano
Ackerman	Blumenauer	Cardin
Alexander	Blunt	Cardoza
Allen	Boehlert	Carson (IN)
Andrews	Boehner	Carson (OK)
Baca	Bonilla	Case
Baird	Bonner	Castle
Baldwin	Bono	Chocola
Ballance	Boswell	Clay
Ballenger	Boucher	Clyburn
Bass	Boyd	Cole
Beauprez	Brady (PA)	Cooper
Becerra	Brown (OH)	Costello
Bell	Brown, Corrine	Cramer
Berman	Burr	Crowley
Berry	Calvert	Cummings
Biggert	Cannon	Davis (AL)
Bishop (GA)	Capito	Davis (CA)
Bishop (NY)	Capps	Davis (FL)
Davis (IL)	Kind	Price (NC)
Davis, Tom	King (NY)	Pryce (OH)
DeFazio	Kirk	Quinn
DeGette	Kleczka	Radanovich
Delahunt	Kline	Rahall
DeLauro	Knollenberg	Rangel
DeLay	Kolbe	Regula
Deutsch	Kucinich	Renzi
Diaz-Balart, L.	LaHood	Reyes
Diaz-Balart, M.	Lampson	Reynolds
Dicks	Langevin	Rodriguez
Dingell	Lantos	Ros-Lehtinen
Doggett	Larsen (WA)	Ross
Dooley (CA)	Larson (CT)	Rothman
Doyle	Latham	Roybal-Allard
Dreier	LaTourette	Ruppersberger
Dunn	Leach	Rush
Edwards	Lee	Ryan (OH)
Ehlers	Levin	Ryan (WI)
Emanuel	Lewis (CA)	Sabo
Engel	Lewis (GA)	Sanchez, Linda T.
English	Lewis (KY)	
Eshoo	Lipinski	Sanchez, Loretta
Etheridge	LoBiondo	Sanders
Evans	Lofgren	Sandlin
Farr	Lowey	Saxton
Fattah	Lucas (KY)	Schakowsky
Filner	Lynch	Schiff
Flake	Majette	Scott (GA)
Fletcher	Maloney	Scott (VA)
Foley	Markey	Serrano
Fossella	Marshall	Shaw
Frank (MA)	Matheson	Sherman
Frelinghuysen	Matsui	Sherwood
Frost	McCarthy (MO)	Shuster
Gerlach	McCarthy (NY)	Simmons
Gibbons	McCollum	Simpson
Gilchrest	McCotter	Skelton
Gillmor	McDermott	Slaughter
Gonzalez	McGovern	Smith (MI)
Gordon	McHugh	Smith (NJ)
Goss	McIntyre	Smith (WA)
Granger	McKeon	Snyder
Green (TX)	McNulty	Solis
Greenwood	Meehan	Souder
Grijalva	Meeks (NY)	Spratt
Gutierrez	Menendez	Stark
Hall	Michaud	Stenholm
Harman	Millender-McDonald	Strickland
Harris		Stupak
Hart	Miller (MI)	Sweeney
Hastings (FL)	Miller (NC)	Tanner
Hastings (WA)	Miller, George	Tauscher
Hensarling	Mollohan	Tauzin
Hill	Moore	Terry
Hinchey	Moran (VA)	Thomas
Hinojosa	Murtha	Thompson (CA)
Hobson	Nadler	Thompson (MS)
Hoeffel	Napolitano	Tiberi
Holt	Neal (MA)	Tierney
Honda	Nethercutt	Towns
Hooley (OR)	Ney	Turner (TX)
Houghton	Northup	Udall (CO)
Hoyer	Nunes	Udall (NM)
Hyde	Nussle	Van Hollen
Inslee	Oberstar	Velazquez
Israel	Obey	Visclosky
Issa	Olver	Walden (OR)
Jackson (IL)	Ortiz	Walsh
Jackson-Lee (TX)	Osborne	Waters
	Ose	Watson
Jefferson	Owens	Watt
John	Oxley	Waxman
Johnson (CT)	Pallone	Weiner
Johnson (IL)	Pascrell	Weller
Johnson, E. B.	Pastor	Wexler
Jones (OH)	Payne	Wilson (NM)
Kanjorski	Pelosi	Wolf
Kaptur	Peterson (MN)	Woolsey
Kelly	Pickering	Wu
Kennedy (MN)	Pombo	Wynn
Kennedy (RI)	Pomeroy	Young (AK)
Kildee	Porter	Young (FL)
Kilpatrick	Portman	

NOT VOTING—7

Berkley	Ferguson	Meek (FL)
Conyers	Ford	
Davis (TN)	Gephardt	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 1958

Mr. CUMMINGS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. 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. FOSSELLA:

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

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

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

□ 2000

Mr. FOSSELLA. Mr. Chairman, I ask the body, what do Libya, Cuba, North Korea, Iraq, Iran, and other nations have in common, other than being oppressive, dictatorial regimes? Well, what they have in common is that at one time or another, they have served as Chair of commissions or organizations within the United Nations.

So what my amendment does, based on legislation introduced earlier this year, is it essentially blocks funding to organizations, commissions, or other bodies headed by nations on a terrorist watch list. Specifically, it would block U.S. taxpayer dollars from being disbursed to the United Nations if the money is used for committees headed by nations that have repeatedly provided support for acts of international terrorism.

Now, by way of example, I think a vivid example, I should say, is essentially what happened earlier this year with the Commission on Human Rights, or the Conference on Disarmament. These very commissions are dominated by nations opposed to the very concepts by which those commissions are named. Last month's outrage was Cuba. The dictatorship's brutal crackdown included the execution of three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. They have a vital role on the Commission on Human Rights. The U.N. said nothing about the crackdown, but Cuba was then elected to another term to serve on the panel. Ironically, the chairman, or the Chair country of that Commission on Human Rights, is Libya.

At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over, but remained on the commission, the Commission on Disarmament. Iran

chaired the conference instead. Also on the Disarmament Committee is North Korea. I just think that this is symptomatic of a lot of carelessness at the United Nations.

There are many who think that the United Nations can play a pivotal and vital role in securing the world's peace. But from time to time, the only language it seems they understand is the power of the purse.

So all this amendment does is if one of these nations, and I think everybody in good conscience can look at these nations and say they represent not only what the brutal regimes are all about, but really are inconsistent with fundamental universal values, I would suggest that the money is withheld. Very simply put, I think it is common sense. After all, the U.S. provides almost 22 percent of the U.N. budget, which currently stands at about $222 million; and what we are suggesting is that if one of these nations on the State Department list of terrorist nations is heading one of these commissions, the money is withheld.

With that, I urge adoption of this amendment.

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

Mr. Chairman, the State Department has been in touch with the committee, and I want to share with the Members their position. They said that this is an amendment that they strongly oppose. They go on to say, we the State Department, have taken a hard stand against Libya, a country that supports terrorism and has a dismal human rights record in its election to chair the Commission on Human Rights. In calling for a vote, the State Department said that they forced members to take a stand on this issue, and everyone knew what the U.S. position was.

They end by saying that withdrawing support by withholding part of our assessed contributions, thus accumulating arrears and eliminating funding for U.S. participation in these bodies, weakens our effectiveness and would be counterproductive.

That is the position of the State Department.

This amendment would prohibit U.S. contributions for activities funded within the budgets of the U.N. or its affiliated agencies whose decision-making bodies (e.g., commission) are chaired by a member state which supports acts of international terrorism (as determined by the Secretary under section 6(j)(1) of the Export Administration Act of 1979).

The Administration fully agrees that U.N. bodies should not be headed or chaired by member states which sponsor or support international terrorism.

We have made these views abundantly clear over the past year.

We took a hard stand against Libya, a country that supports terrorism and has a dismal human rights record, in its election to chair the Commission on Human Rights. In calling for a vote, we forced members to take a stand on this issue, and everyone knew the U.S. position.

We also work hard to keep states that support international terrorism off the U.N. Security Council.

But we strongly believe that withholding funding for bodies chaired by such states will not help us achieve our policy goals at the U.N.

To effect change at the U.N., we need to remain fully engaged, which is our goal and our plan.

Withdrawing support by withholding part of our assessed contributions—thus accumulating arrears—and eliminating funding for U.S. participation in these bodies weakens our effectiveness, and would be counterproductive.

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

Mr. Chairman, I think that my colleague from New York makes some very strong points. The problem with his amendment and the reason I rise in opposition to it is that I believe that while we may not be happy with some of the folks that make up some of the organizations that are part of the U.N. and other international organizations, for that matter, it is in the best interests of our country, it is in the best interests of our foreign policy to be engaged in these organizations, rather than withdraw from them and not support them.

So while his points are well taken, and I am sure that if we sat down around a table we would not disagree on some of the makeup of these organizations, to withdraw from them, not to be supportive, not to pay our dues is, in fact, one, to turn our back on the ability to do some good work by those organizations and secondly, and most importantly, if we sort of take our marbles or take our basketball and go home, we do not get to participate and, therefore, we do not get to speak about the same issues that the gentleman from New York is concerned about.

So for those reasons, I would join the chairman in opposing the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. 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. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

Mr. HOSTETTLER. Mr. Chairman, in Glassroth v. Moore, the 11th Circuit Court of Appeals ruled that the Alabama Supreme Court Chief Justice Roy Moore violated the establishment clause of the first amendment to the Constitution by placing a granite monument of the Ten Commandments in the rotunda of the Alabama State judicial building in Montgomery, Alabama. In the court's words, ''The rule of law does require that every person obey judicial orders when all available means of appealing them have been exhausted.''

In this statement, Mr. Chairman, the court plainly shows that it believes itself to be the chief lawmaker whose orders become law. But, in fact, Mr. Chairman, this is inconsistent with both the Constitution and article I, section 8, and, in fact, Federal statute, which says that the United States Marshal Service shall execute ''all lawful writs, process, and orders of the U.S. district courts, U.S. Courts of Appeal and the Court of International Trade, 28 U.S.C. 566(c).

In reality, Mr. Chairman, the founders of this great Nation foresaw this problem and wrote about it. And when they developed our form of government, they said this, according to Alexander Hamilton in Federalist No. 78: ''Whoever attentively considers the different departments of power must perceive that in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in capacity to annoy or injure them.

''The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.''

Mr. Chairman, given the fact that the judiciary has neither force nor will, it is left to the executive and the legislative branches to exert that force and will.

We have heard tonight that the executive branch wants to argue the Newdow case that was spoken of earlier and may hear that the executive branch wants to argue in favor of the display of the 10 Commandments in that case. We will allow, therefore, the executive branch to leave these decisions in the hands of the judiciary who, a few years ago, concluded that sodomy can be regulated by the States, but most recently said that sodomy was just short of a fundamental right that is enshrined in our United States Constitution.

But the framers of the Constitution never intended for the fickle sentiments of as few as five people in black robes unelected and unaccountable to the people to have the power to make such fundamental decisions for society. That power was crafted and reserved for the legislature, and one of the mechanisms that was entrusted to us was the power of the purse.

Mr. Chairman, time and again I am sure that our colleagues are asked about ridiculous decisions made by the Federal courts, and many of us say that there is nothing we can do. Mr. Chairman, today, we can do something. We do not have to put our faith in the faint possibility that some day five people in black robes will wake up and see that they have usurped the authority to legislate and will constrain themselves from straying from their constitutional boundaries.

Mr. Chairman, it might be suggested that we do not want this legislation to disrupt the judicial process in the interim between the Circuit Court of Appeals process and the Supreme Court. It is not my intention to do that tonight. In fact, I welcome the highest Court's review of this decision; and I say tonight that if they get it wrong, I will exercise the power of the purse again and defund the enforcement of that inane decision.

Mr. Chairman, today is a great opportunity for us to learn the powers of the legislature vis-a-vis the judiciary. After this vote, Mr. Chairman, and the vote to defund the Ninth Circuit's decision to effectively remove the phrase ''under God'' from the Pledge of Allegiance, sour constituents will ask us, Congressman, do we, your constituents, have a voice in these most fundamental decisions, and we do not need to wait on a new Supreme Court Justice who may or may not, today or tomorrow, inject common sense into the decisions of the Supreme Court?

Mr. Chairman, we will be able to tell them, Yes, you do have a fundamental say.

And it is for that reason, Mr. Chairman, that I have offered this amendment to the Commerce, Justice, State, and the Judiciary Appropriations Act. This legislation is where we find any funding in any executive agency that would enforce the 11th Circuit's judgment in this case. My amendment would prevent any funds within that act from being used to enforce that erroneous decision in Glassroth v. Moore. I ask my colleagues to support the amendment.

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

Mr. Chairman, this amendment is a classic. In the long history of this institution, there have been many amendments offered on the floor of this Chamber. Never has an amendment been offered that did less than this amendment does tonight. It does not matter how people vote. No matter what side one is on on the question of separation of church and State or the Ten Commandments or anything else, it does not matter how one votes, because this amendment does not do nothing to nobody.

All this amendment does is to say that the Justice Department cannot enforce the decision that the gentleman does not like. The only problem is the Justice Department does not enforce this decision anyway. The Justice Department has already made quite clear that this is a ''let us pretend'' amendment. It pretends that we are doing something to protect the Ten Commandments.

I would suggest that rather than offering amendments that pretend to do that, if we want to protect the Ten Commandments, we will simply start by following them in our own lives and in our own careers. That will do a whole lot more than pretending that we are preventing the Justice Department from enforcing a decision which they would not be enforcing anyway.

So I could not care less how one votes on the amendment because it does not have any effect whatsoever. If the gentleman wants to take the time of this body to offer do-nothing amendments, be my guest; but I hope Members are not under an illusion.

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

Mr. OBEY. No, I will not. This is my time. The gentleman has had his time.

Mr. HOSTETTLER. I just asked the gentleman to yield.

Mr. OBEY. And I said no, and I do not intend to yield for the remainder of my time, okay?

Mr. HOSTETTLER. Is this in compliance with the Ten Commandments?

Mr. OBEY. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Wisconsin has the time.

Mr. OBEY. Mr. Chairman, I suggest the gentleman from Indiana start following the Ten Commandments in terms of the way he treats people on this floor. This is my time. It is not funny.

Mr. Chairman, I would simply close by saying, vote however you want. This is a free vote. It is one of those votes that Members often offer in hopes that the public can be convinced we are actually doing something at 8:15 at night; but with all due respect on this amendment, we are not. So vote any way you want, just do not be under the illusion that when you do so, you are protecting the Ten Commandments. It does not. I could care less what the vote is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

RECORDED VOTE

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

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

□ 2015

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY: 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 to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and any amendment thereto be limited to 60 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

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

Mr. Chairman, this amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State laws that allow for the use of marijuana for medicinal purposes under the supervision of a licensed physician.

During the past several years 10 States, Alaska Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medical purposes. With the exception of Hawaii and Maryland, all of these laws were passed by referendum and the average vote in each of those eight States was more than 60 percent approval. These State laws are not free-for-alls that open the doors to wholesale legalization as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use marijuana for medicinal purposes, the amounts the patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an identification card for patients.

Federal law classifies marijuana as a Schedule I narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses.

The AIDS Action Council, the American Academy of Family Physicians, the American Nurses Association, the American Preventative Medical Association, the American Public Health Association, Kaiser Permanente, and the New England Journal of Medicine

have all endorsed supervised access to medical marijuana.

Internationally, the Canadian Government has adopted regulations for the use of medical marijuana in that country to our immediate north. In addition, the British Medical Association, the French Ministry of Health, the Israel Health Ministry, and the Australian National Task Force on Cannabis have all recommended the use of medical marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in the States that I mentioned. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new California State law.

Federal courts upheld the right of doctors to talk to their patients about medical marijuana. The Supreme Court, however, ruled that it is a violation of Federal law to distribute marijuana for medicinal purposes. Despite State laws that protect patients from State prosecution, the Supreme Court cleared the way for the Federal Government to enforce Federal laws against those individuals, nevertheless complying with laws in their own States.

Attorney General Ashcroft has vigorously enforced this decision, choosing to prosecute patients and distributors, which makes passage of this amendment critical to the States that have enacted laws for the medicinal use of marijuana. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their State laws.

This amendment in no way endorses marijuana for recreational use, not in any way. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narco-traffickers, street dealers, habitual criminals, addicts, recreational users or anyone other than people who are complying with the laws of their own State with regard to the medical use of marijuana.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government. I urge my colleagues to vote ''yes'' on this amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in very strong opposition to this amendment. The Grand Lodge of the Fraternal Order of Police wrote a letter and said, ''Dear Mr. Chairman'' to the gentleman from Indiana (Mr. SOUDER), ''I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice Hinchey to the appropriations measure on the Departments of Commerce, Justice, State which would effectively prohibit the enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called 'medical' reasons.''

It ends by saying, ''The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement officials to reduce drug crime in every region of the Nation.''

In the year 2001, the Supreme Court issued a notwithstanding rule and held that marijuana is a Schedule I controlled substance under the Controlled Substance Act. It has no currently accepted medical use and treatment in the United States. There are other drugs that now can take its place. It cannot be used outside the FDA-approved DEA-registered research.

Marijuana is the most abused drug in America. More young people are now in treatment for marijuana dependency and for alcohol than for all the other illegal drugs. Marijuana use also presents a danger to others beyond the users themselves. In a roadside study of reckless drivers who are not impaired by alcohol, 45 percent tested positive for marijuana.

It sends the wrong message. What a message it sends. I urge the defeat of the amendment which was, I might say, defeated in the full committee.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice D. Hinchey to H.R. 2799, the appropriations measure for the Department of Commerce, Justice, State and the Judiciary, which would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called ''medical'' reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 308,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION,
West Covina, CA, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing to let you know of the strong opposition of the 60,000 state and local law enforcement officers in 40 states who are members of the NNOAC to an amendment to be offered today to the Commerce/Justice/State Appropriations bill that would effectively prohibit enforcement of federal marijuana law in states that do not provide penalties for the use of so-called ''medical'' marijuana.

Because even a modest amount of federal marijuana enforcement is now the only effective enforcement of the marijuana laws in several such states, it provides a strong deterrent effect to the use of harder drugs and other crimes, including violent crimes and crimes against property. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin.

The Hinchey amendment threatens to cause a significant disruptive effect on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply. We strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment.

Sincerely,

RONALD E. BROOKS,
President.

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

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

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

I am one of the cosponsors of this, and I would like to first point out that the last statement you heard by your distinguished chairman is not about the amendment. This amendment does not legalize marijuana. I repeat, it does not legalize marijuana.

It is a very straightforward amendment. It removes the Federal interference from local law, from local affairs where States have adopted through their legislative process or initiative process, a limited use of marijuana for medical purposes only. And in most cases, in all the cases I know, it has to be dispensed by a doctor.

And the reason this amendment passed in California is because the elderly community, oftentimes suffering from pain, felt this was a remedy for pain. And the voters of California said, you should not deny this as long as it is being used in the medical arena. That is all this amendment does.

It says, Federal Government, get off the back of those States that have used their legal process to have a limited use of marijuana for medical purposes. And those States are Alaska, California, Colorado, Maine, Nevada, Oregon, Washington, and the District of Columbia. The States of Hawaii and Maryland have also passed the laws through their legislatures.

This is not about legalization of marijuana. This is just saying, Federal Government, where those States have adopted those laws, just stay off their backs. The attorneys general of these States, the law enforcement in these communities, they support these operations.

I know, because in Santa Cruz County they were very, very upset and petitioned when the Federal Government came in and did a raid. It upset everybody.

So this process of not allowing States to go forward, I think, is wrong. This amendment provides States with voter-given authority to promulgate regulations to control the limited, limited, limited use of marijuana for medicinal purposes. It is an amendment about States' rights. It is about the sacredness of the electoral process and the sanctity of the citizens' votes. It is about treating people as if they have instructed their government to do so.

That is all this amendment does. A very narrow, limiting amendment. Please adopt it.

Mr. WOLF. Mr. Chairman, I yield 8½ minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, this amendment is not about what it purports to be about. It is bad amendment for so many reasons that I can barely touch on.

First, let me clarify that the FOP, the Fraternal Order of Police, exactly knows what amendment we are talking about. In fact, in their letter, echoed also by a letter we received from the National Narcotics Officers' Association Coalition says specifically this:

''Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals, for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin'' on many of our Nation's streets.

These officers in California and Washington, these States, opposed the referendums. They warned the people about what was going to happen and what they see happening in many places in these States.

Let me reiterate a couple of basic points. It does not help sick people. First, this amendment is not about helping sick people. There are no generally recognized health benefits to smoking marijuana. We heard a false reference earlier to the Institutes of Medicine report where in it its verdicts said marijuana is not modern medicine. They issued a warning particularly against smoking marijuana in that report which, admittedly, was mixed, but did not endorse medicinal marijuana.

The FDA has not considered or approved marijuana for this use. Its active ingredient, THC, is available in an improved pill form for those who want to use it. In fact, as people have said, there are many dangerous products that have ingredients in them that can be helpful, but that does not mean that the carrier of it, such as marijuana, is in fact medicinal. It is something inside that.

In fact, I, as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources recently met with officials from The Netherlands and in their Office of Medical Cannabis, even that nation, which is generally recognized for its extremely liberal drug policies, specifically has rejected the use of smoked marijuana for so-called ''medicinal purposes,'' which these State referendums do not do.

The American Lung Association has said that marijuana contains 50 to 70 percent more of some cancer-causing tobacco smoke. This is very dangerous.

Furthermore, in a recent article by the Deputy Director of ONDCP, Andrea Barthwell called The Haze of Misinformation Clouds the Issue of Medicinal Marijuana, she eloquently wrote, ''Before the passage of the Pure Food and Drug Act in 1907, Americans were exposed to a host of patent medicine cure-alls, everything from vegetable folk remedies to dangerous mixtures with morphine. The major component of most 'cures' was alcohol, which probably explained why people said they felt better.''

What we are hearing now is the same kind of classic peddling on the street of remedies that, in fact, are not remedies, when there are legal remedies to address the same question. The compounds in marijuana plants may have some medicinal marijuana but that is not marijuana and can be gotten elsewhere.

Secondly, it makes no legal or governmental sense. In fact, it is fairly embarrassing we have this amendment on the floor. This amendment is premised on two extremely curious principles, first, that the Justice Department should not enforce a clear Federal law on the books; and as acknowledged by the sponsor of amendment and other supporters, the Supreme Court has ruled that States cannot usurp Federal law.

If the sponsor of the amendment believes that Federal law should permit the medicinal use for marijuana, he ought to go through the legislative process and change the law. But the Justice Department, the DEA, and Members of Congress, I might add, have sworn an oath to support and defend the Constitution of the United States which requires enforcement of the laws of the United States; and it is an incredibly dangerous precedent to retreat from that.

Second, to ask Federal law enforcement to look the other way in some States, but not others is unfair and probably unconstitutional selective enforcement of a law.

This amendment would only apply in certain States. So someone in Washington State would be exempt from enforcement of Federal marijuana laws if they claim it is for medicinal purposes, but someone in Indiana would not. What kind of law is this?

In fact, we fought a Civil War over this. It is called nullification. States do not have the right. How would the minority feel, those who are advocating this, if civil rights laws could be overturned at the Federal level, and we said we were not going to enforce Federal rights because State can nullify a Federal law?

If you want to change a Federal law, have the courage to change the Federal law. Do not try to nullify a Federal law.

□ 2030

It makes no police sense. In the States listed in the bill, the Federal Government is the only entity now doing effective marijuana enforcement. This bill would end that enforcement, even though the States in question are some of the most active drug States, and there are clear ties between marijuana traffic and ties in harder drugs, as well as marijuana traffic and other violent crime.

In the State of Washington, for example, streams of high-potency marijuana are selling for more in Indiana and New York and Boston than cocaine and heroin because its HTC content is not what we saw in the 1960s, 2 to 4 percent, but in the 18 to 30 percent range. That is extremely dangerous to individuals. This amendment would in effect prohibit DEA from enforcing marijuana laws if it claimed it was for medicinal purposes.

For that reason, State and local law enforcement officers have opposed this amendment, including the National Narcotic Officers and the FOP, Fraternal Order of Police.

Lastly, State medical marijuana laws are a sham.

Finally, we have seen these laws do not operate as intended. A State audit in Oregon found that many of those who obtained so-called medicinal marijuana have not provided documentation of their claims. A survey of many HIV patients who claimed to use marijuana for medical purposes found that 57 percent smoked marijuana for mental, rather than physical, reasons and that a third admitted outright that they had smoked marijuana for recreational purposes. Even in California, the State is trying to revoke the license of a physician who has written

7,500 marijuana recommendations for patients without conducting any medical exams.

Lastly, we heard that this was citizen-led. What a joke. What we have are people who historically, including some Members of this body, who favor drug legalization in general support this as medicinal marijuana. In fact, what they back more is legalization of marijuana, and this has not been a citizen-led effort.

A man named George Soros has poured millions of dollars into these referendums and the citizen groups have predominantly opposed them against an overwhelming number of ads masquerading behind a few herding individuals who have been given false promise by the modern-day medical hustlers, just like they did in the 1900s. This is embarrassing from a legal standpoint and embarrassing from a body that should be upholding the laws of the United States and to be fighting the terrorism on our streets where people are dying and here we are trying to give them cover for this pro-drug movement by acting like it is medicine.

It is not medicine. If my colleagues believe it is medicine, get it out of the main and into the people who need it. Do not hide behind marijuana and make it more available so more kids can die in my district and in my colleagues' districts as well.

Mr. HINCHEY. Mr. Chairman, I yield 4 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 thank the gentleman for yielding me the time.

As a cosponsor of the amendment, I rise in support of this amendment and appreciate the fact that the gentleman from New York has brought it to the floor.

I would suggest that the previous speaker has forgotten some of the law; and to me, that would be the constitutional law of the ninth and tenth amendments. So changing the law is one thing, but remembering the Constitution is another.

This has a lot to do with State law; but more importantly, as a physician, I see this bill as something dealing with compassion. As a physician, I have seen those who have died with cancer and getting chemotherapy and with AIDS and having nothing to help them.

There is the case in California of Peter McDaniels, who was diagnosed with cancer and AIDS. California changed the law and permitted him to use marijuana if it was self-grown, and he was using it; and yet although he was dying, the Federal officials came in and arrested him and he was taken to court. The terrible irony of this was here was a man that was dying and the physicians were not giving him any help; and when he was tried, it was not allowed to be said that he was obeying the State law.

That is how far the ninth and tenth amendments have been undermined, that there has been so much usurpation of States' rights and States' abilities to manage these affair, and that is why the Founders set the system up this way in order that if there is a mistake it not be monolithic; and believe me, the Federal Government has made a mistake not only here with marijuana, with all the drug laws, let me tell my colleagues.

There are more people who die from the use of legal drugs than illegal drugs. Just think of that. More people die from the use of legal drugs; and also, there are more deaths from the drug war than there are from deaths from using the illegal drugs. So it has gotten out of control. But the whole idea that a person who is dying, a physician cannot even prescribe something that might help them. The terrible irony of Peter McDaniels was that he died because of vomiting, something that could have and had only been curtailed by the use of marijuana. No other medication had helped; and we, the Federal Government, go in there and deny this and defy the State law, the State law of California.

Yes, I would grant my colleagues there is danger in all medications. There is some danger in marijuana, but I do not know of any deaths that is purely marijuana-related. If we want to talk about a deadly medication or a deadly drug that kills literally tens of thousands in this country, it is alcohol. And how many people want to go back to prohibition? I mean, nobody's proposing that, and yet that is a deadly drug.

The whole notion that we can deny this right to the States to allow a little bit of compassion for a patient that is dying, I would say this is a compassionate vote. If we care about the people being sick, then we have to vote for this amendment. This will do nothing to increase the use of bad drugs. The bad drugs are there; and as a physician and a parent and a grandparent, I preach against it all the time, but the unwise use of drugs is a medical problem, just like alcoholism is a medical problem; but we have turned this into a monster to the point where we will not even allow a person dying from cancer and AIDS to get a little bit of relief.

I strongly urge support and a positive vote for this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in strong opposition to the amendment and in very strong disagreement with the last speaker.

The reality is his point would be well taken if indeed there were medical evidence that medicinal marijuana helped people, but there is none. In his entire testimony there was not a single citation to a study that showed medical marijuana, in fact, helps, as my colleague, the gentleman from Indiana (Mr. SOUDER), pointed out earlier where indeed the medical evidence is to the contrary. And that leads me to an important part of the case against this amendment I think it is very important for people to understand, and that is, how did we get where we are?

We got to this position because in a handful of States across the country, valiant initiatives have been raised to legalize medical marijuana. My State happens to be one of those States, but let me make it clear to my colleagues what happened in those campaigns in those States.

First, make no mistake about it, law enforcement agents in every single one of those States opposed the medical marijuana initiative. They did so for good and solid reasons: number one, there is no medical benefit; but, number two, marijuana is a precursor drug.

Make no mistake about it, today's marijuana is not the marijuana that we had 40 or 30 or 20 or even 10 years ago. The potency of today's marijuana is dramatically higher, shockingly higher than the marijuana that existed and was around in the 1960s. But what else happened in those campaigns?

The other important thing that happened in those campaigns is that the people were led astray by massive spending. My colleague, the gentleman from Indiana (Mr. SOUDER), pointed out that some proponents of this idea, including one who happens to be a resident of my State, have spent many millions of dollars advocating the legalization of marijuana; and they have outspent the opponents of these measures by two, three, four, five, 10 times. In my State of Arizona in two different campaigns the proponents of legalizing medical marijuana outspent the opponents by a dramatic amount of money. When we stack the debate, when only one side of the argument gets out, of course they are going to win.

Let us talk about what happens with this marijuana, and I disagree so strongly with my colleague who spoke just a moment ago. The reality is that in this Nation we have a serious drug problem confronting our youth, and why do we have that drug problem? We have that drug problem because of this very debate, because as a Nation we have not decided that drugs, illegal drugs, marijuana for one and many others, are bad. Indeed, we have leaders of the Nation saying, oh, it is all right, we are not really going to go against it; we are not really going to enforce these laws; we do not care about these laws. How do my colleagues think kids react to that?

I will tell my colleagues how I raised my kids. I raised my kids to see these are the rules, you violate these rules, you will be punished. You know what? My kids understood the rules because when they violated them, we punished them.

That is not what we do with drugs in America. We say if it is a drug we will

look the other way; we will let it go; we are not really committed to enforcing our Nation's drugs law. Now look at the hypocrisy, the outrageous hypocrisy of this proposal. Now we are going to say, yeah, we have Federal laws against these drugs; we have Federal laws against marijuana; we believe that those laws are valid and good and appropriate, but you know what, in some States we will not enforce them because in some States we do not want to enforce them.

So if the FBI is dealing with a person and they happen to be in Maryland, they get one set of rules; but if they happen to be in Arizona, they get another set of rules.

What about those States that border each other? What about New Jersey right next to New York? What about Arizona right next to California? What about all kinds of other border jurisdictions?

We want the laws of this Nation to say that in this State the Federal antidrug laws on marijuana will be enforced, but right across the river in Kansas City, Missouri, versus Kansas City, Kansas, we are not going to enforce that law? Do my colleagues not think that will send a confused message to our kids about our Nation's policy on illegal drugs? Do my colleagues not think that will lead to more kids getting involved in drugs?

The most outrageous statement made on this floor on this House tonight was the statement that sending the message to our kids that some drugs are okay will not lead them to use those drugs or other drugs and will not lead to an increase in the use of illegal drugs. That is the most outrageous and absurd concept we can possibly embrace, and I hope this House will reject it.

We cannot afford to confuse our Nation's children. We cannot afford to tell them that marijuana is okay. We cannot afford to let them begin to use the dramatically more potent marijuana that is on the streets today and coming through my State of Arizona, to your State and your district by some confused policy that says, well, we think it is bad in some States, but we do not think it is bad in others.

The truth is, the gentleman who spoke before me believes we should legalize all drugs, and that is a valid and fair position; but take that issue directly to the substance of this Congress, propose it as a law, propose to amend the Federal laws that prohibit the possession and the use and the sale of marijuana and talk that debate straight up. Do not do it by subterfuge. Do not do it under the table. Do not do it by saying in one State we are going to enforce the Federal law and in another State we are not, because if we want to confuse a generation of America's children, that is the way to do it.

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

I just want to make it clear that we are not doing anything by subterfuge here. We are just saying that in 10 States of this Nation the people have decided that is a legitimate practice for people who have certain medical conditions. Twenty percent of the States have said so, and most of them by referendum; and 60 percent or more voted for that in those referendums.

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

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

There is a context here which is worth reflecting on, and that is the law enforcement policies of an administration which cannot effectively meet the challenge of international terrorism, but is ready to wage a phony drug war, including locking up people dying of cancer simply because those poor souls seek relief from horrible pain.

I ask, can we truly be so lacking in compassion? This is not about legalizing marijuana. That is just a smoke screen. It is an amendment to end Federal raids on medical marijuana patients and providers in States where medical marijuana is legal. Despite marijuana's recognized therapeutic value, including a National Academy of Science Institute of Medicine report, recommending its use in certain circumstances, Federal law refuses to recognize the importance and safety of medicinal marijuana.

Instead, Federal penalties for all marijuana use, regardless of purpose, include up to a year in prison for the possession of even small amounts.

Let us reflect again on how cynical and how dark it is to even contemplate sending someone to prison for a year when they may not even have that much time left in their life; but since 1996, eight States have enacted laws to allow very ill patients to use medical marijuana in spite of Federal law. The present administration has sought to override such State statutes, viewing the use of medicinal marijuana for purposes in the same light as heroin or cocaine.

□ 2045

Last year, Federal agents raided the Women and Men's Alliance for Medical Marijuana, an organization that under California State law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of this organization's 225 members were terminally ill with cancer or AIDS.

This is about compassion. The Federal Government should use its power to help terminally ill citizens, not arrest them. And States deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

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

I had the opportunity in Congress some 2½ years ago to chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources for some 2 years. During that time, I held the first hearings, really, in Congress on the question of legalization of marijuana; and I tried to approach the issue of the medical use of marijuana from an open standpoint.

We conducted hearings and brought in what we considered were the best medical experts, and we dug into all of the testimony. And, my colleagues, I can say here tonight that we did not find one scintilla of evidence that there was any medical benefit by consuming marijuana, whether an individual was healthy or whether they were ill, or terminally ill. There was no evidence to that effect.

It has become sort of a cause celebre to promote these initiatives with huge amounts of money. And at first blush, I think people support some of these as possibly being compassionate, as we hear here.

We have also heard here that the medical use of marijuana will relieve pain. Well, I can say also from chairing that subcommittee that that is not the case. In fact, anything that we do to encourage use, whether for this purpose or other purposes, will not relieve pain, it will cause pain. Certainly, I am sure if someone smoked enough marijuana or took enough crack or enough heroin or methamphetamines, they would not have any pain.

What we did learn in our testimony and what I have learned over the several years that I have served on that committee in the Congress is, we did learn this one thing. We learned that the marijuana that we have on the market today, and we have heard this from the previous chairman, the gentleman from Indiana (Mr. SOUDER) and others, who cited that today's marijuana is not the marijuana we had some 20 or 30 years ago. There is a several hundred percent increase in potency in what is on the market.

We also heard that marijuana is the greatest substance abuse of our teenagers, even exceeding, believe it or not, alcohol today. We also learned that there are more than 19,000 drug-related deaths in the United States, overdose deaths, which now exceed homicides. And everything we do towards trying to glorify or utilize marijuana for whatever use or whatever purpose does lead more of our young people to use this.

Marijuana is a gateway drug, and so we end up with a death toll that we have seen so painfully across this Nation.

So if the object here is to relieve pain, that is not what is being done. It will cause pain.

Almost every police group opposes the Hinchey amendment. Let me just read some of the folks that oppose it. The Fraternal Order of Police, the world's largest police union, made up of 300,000 members of State and local

enforcement officers nationwide, and the National Narcotics Officers' Association Coalition, with more than 60,000 members, have expressed strong opposition to the Hinchey amendment that would prohibit enforcement of Federal marijuana laws in some States but not in others.

Police groups oppose the amendment because Federal enforcement of marijuana helps deter use and trafficking in harder drugs and also in related crimes against property and some of our most violent crime.

Finally, some of those police groups that oppose the Hinchey amendment have said to us, we strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment. And we have letters from the National Narcotics Officers' Association Coalition and the Grand Lodge Fraternal Order of Police stating their clear opposition.

Again, I think the presentation of this amendment has been that this would relieve pain and be compassionate. My colleagues, this will cause pain, and there are many who confirm that.

Mr. HINCHEY. Mr. Chairman, may I inquire the remaining time?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 16 minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 11 minutes remaining.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this resolution. I believe we should respect the State authority in regards to medical marijuana, and I remind my colleagues that we are not talking about illegal drugs, we are talking about medicinal marijuana, legally supported by 10 States.

As my colleagues know, in my home State of California, voters overwhelmingly passed Proposition 215, allowing the use of marijuana for medicinal purposes. Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, or AIDS, or glaucoma, spastic disorders, and other debilitating diseases.

The people that I represent from Marin and Sonoma Counties, Mr. Chairman, just over the Golden Gate Bridge, and my colleagues will not be surprised, it is a very progressive area in our country, but they want their doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases; and they believe that the Federal Government should get out of the way. They should not butt in. And that is why I support this amendment, because it would stop the Justice Department from punishing those who are abiding by their State's laws.

Please join me in supporting this important amendment so that those who suffer from debilitating diseases can get relief without the fear of Federal interference.

Mr. Chairman, I call on all Members of this Congress, particularly those who believe in States' rights, to let States represent their voters. It is not okay to pick and choose where States can butt in and where they have the ultimate responsibility based on ideologies.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am going to begin by reading from an editorial that appeared in the New York Daily News this past Sunday, written by a Richard Brookhiser, who is a senior editor of the National Review, a very noted conservative magazine founded by William F. Buckley.

He writes as follows: ''Earlier this year, the New York State Association of County Health Officials, as cautious a bunch as you will find in the medical community, urged New York lawmakers to pass legislation to legalize the medical use of marijuana. It is past time to remove patients fighting cancer, AIDS, and other scourges from the battlefield of the war on drugs.

''The legalization of medical marijuana would be a step forward for the health of all New Yorkers, the Association of County Health Officials declared. Marijuana has proven to be effective in the treatment of people with HIV/AIDS, multiple sclerosis, cancer, and those suffering from severe pain and nausea.

''I discovered,'' that is, he did; I am quoting the article. ''I discovered marijuana's benefits while receiving chemotherapy for testicular cancer in 1992. Part way through my treatment, the conventional antinausea drugs prescribed by my doctors stopped working. Marijuana was the only thing that kept my head out of the toilet.

''I was lucky. As a member of the media elite, I probably wasn't at huge risk for a drug bust. Living here, I was able to obtain my herb under the cover of urban anonymity. But people shouldn't have to depend on professional status or the luck of geography. Putting such patients in jail for the 'crime' of trying to relieve some of the misery caused by their illnesses is cruel.

''The consensus regarding marijuana's medical value grows every day. Just this May, The Lancet Neurology noted that marijuana's active components are effective against pain in virtually every lab test scientists have devised, and even speculated that it could become 'the aspirin of the 21st century.'

''Marijuana does have risks, but so do all drugs. Recent researchers documented that relatively simple vaporizers can allow users to inhale the active ingredients with almost none of the irritants in smoke.

''Ten States now have laws allowing medical use of marijuana with a physician's recommendation, and those laws have been successful. Last year, the General Accounting Office interviewed 37 law enforcement agencies in those States, reporting that the majority of those interviewed 'indicated that medical marijuana laws has had little impact on their law enforcement activities.'

''As a conservative, I am not surprised that common sense is bubbling up from the State level while Federal marijuana laws remain stuck in the 1930s. Federal law will change eventually, because science, common sense, and human decency require it.''

That is the article. Mr. Chairman, I am not a conservative, as most of my colleagues know. I am a liberal. But I certainly agree with this conservative writer and editor.

The fact of the matter is, we ought to let doctors prescribe the medicines they feel would be most effective for their patients. It is not up to us to stand up on the floor of this House and declare with the expertise of the politicians that we are that marijuana, or morphine, or tetracycline is not an effective drug. That is the job of the doctors and the medical professionals to make those judgments.

We can prosecute doctors or others who may abuse this privilege. We allow morphine's use for medical purposes. No one has legalized the general use of morphine, or heroin, from which it is derived. But for medical purposes, we use it as a painkiller all the time. Most of our drugs, if misused, are dangerous and even toxic, but we allow their use to heal the sick under a physician's supervision. Why should marijuana be any different?

Sure, it is a dangerous drug. I certainly do not deny that. But for certain diseases, for certain conditions, it can help people. It can make their lives bearable.

Let the doctors make those decisions, not the politicians. Let the doctors decide what will work for someone's illness, and let them be subject to the normal medical discipline procedures for the normal uses of the law for those who would abuse their ability to prescribe a drug.

Mr. Chairman, let marijuana be treated as a drug the way morphine is, the way other powerful drugs are. Let people be healed. Let them feel better. Let people with HIV or AIDS or cancer be able to hold their food. Let them survive longer. And let us fight the drug war on a different battlefield.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the chairman for yielding me this time. I actually had not planned on speaking on this issue this evening, but after sitting in my office and hearing some of the other arguments, I felt compelled to come over and at least, if I could, perhaps provide some illumination on this subject.

The last speaker, in fact, talked about science, common sense, and human decency as dictating that we must make marijuana available to our sickest patients.

□ 2100

But why, indeed, would we want to make a substance available that is widely recognized as a gateway drug which could lead to greater drug use?

My friend from Arizona pointed out that drug use amongst our youth and our children is increasing at a rapid rate, and we need to do what we can to stop that. I do not believe that making marijuana generally available, even for medicinal purposes, is going to further that curtailment of drug use in children or young people.

But, Mr. Chairman, the fact remains that if we want to legally prescribe medication to deal with our patients' suffering, that is, anorexia, Marinol is available today; and I believe it is legal in all States, not just 10 states. What is Marinol? Marinol is a synthetic delta-9-tetrahydrocannabinol. Delta-9-tetrahydrocannabinol is also the naturally occurring compound of Cannabis sativa, or marijuana.

So you see, Mr. Chairman, our physicians already have the active ingredient in marijuana available to prescribe to their patients today; and, in fact, I will include for the RECORD the package insert from Marinol which details the double-blind placebo studies that show that Marinol has been useful as an appetite stimulant and an antiemetic, that is, it inhibits nausea and vomiting in individuals who are suffering from terminal HIV/AIDS and individuals who are undergoing chemotherapy. And perhaps the beauty of using Marinol is your patient does not have to be terminally ill, they just have to be ill, because Marinol can be used for a short term. In fact, that is what it is recommended, to be used over the short term to deal with those two adverse consequences of chemotherapy.

Mr. Chairman, compassionate care is available in this country. Our doctors are providing compassionate care. It is approved by the Food and Drug Administration. It is approved by the DEA.

MARINOL® (DRONABINOL) CAPSULES

DESCRIPTION

Dronabinol is a cannabinoid designated chemically as (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol.

Dronabinol, the active ingredient in Marinol® Capsules, is synthetic delta-9-tetrahydrocannabinol (delta-9-THC). Delta-9-tetrahydrocannabinol is also a naturally occurring component of Cannabis sativa L. (Marijuana).

Dronabinol is a light yellow resinous oil that is sticky at room temperature and hardens upon refrigeration. Dronabinol is insoluble in water and is formulated in sesame oil. It has a pKa of 10.6 and an octanol-water partition coefficient: 6,000:1 at pH 7.

Capsules for oral administration: Marinol® Capsules is supplied as round, soft gelatin capsules containing either 2.5 mg, 5 mg, or 10 mg dronabinol. Each Marinol® Capsule is formulated with the following inactive ingredients: FD&C Blue No. 1 (5 mg), FD&C Red No. 40 (5 mg), FD&C Yellow No. 6 (5 mg and 10 mg), gelatin, glycerin, methylparaben, propylparaben, sesame oil, and titanium dioxide.

CLINICAL PATHOLOGY

Dronabinol is an orally active cannabinoid which, like other cannabinoids, has complex effects on the central nervous system (CNS), including central sympathomimetic activity. Cannabinoid receptors have been discovered in neural tissues. These receptors may play a role in mediating the effects of dronabinol and other cannabinoids.

Pharmacodynamics: Dronabinol-induced sympathomimetic activity may result in tachycardia and/or conjunctival injection. Its effects on blood pressure are inconsistent, but occasional subjects have experienced orthostatic hypotension and/or syncope upon abrupt standing.

Dronabinol also demonstrates reversible effects on appetite, mood, cognition, memory, and perception. These phenomena appear to be dose-related, increasing in frequency with higher dosages, and subject to great interpatient variability.

After oral administration, dronabinol has an onset of action of approximately 0.5 to 1 hours and peak effect at 2 to 4 hours. Duration of action for psychoactive effects is 4 to 6 hours, but the appetite stimulant effect of dronabinol may continue for 24 hours or longer after administration.

Tachyphylaxis and tolerance develop to some of the pharmacologic effects of dronabinol and other cannabinoids with chronic use, suggesting an indirect effect on sympathetic neurons. In a study of the pharmacodynamics of chronic dronabinol exposure, healthy male volunteers (N = 12) received 210 mg/day dronabinol, administered orally in divided doses, for 16 days. An initial tachycardia induced by dronabinol was replaced successively by normal sinus rhythm and then bradycardia. A decrease in supine blood pressure, made worse by standing, was also observed initially. These volunteers developed tolerance to the cardiovascular and subjective adverse CNS effects of dronabinol within 12 days of treatment initiation.

Tachyphylaxis and tolerance do not, however, appear to develop to the appetite stimulant effect of Marinol® Capsules. In studies involving patients with Acquired Immune Deficiency Syndrome (AIDS), the appetite stimulant effect of Marinol® Capsules has been sustained for up to five months in clinical trials, at dosages ranging from 2.5 mg/day to 20 mg/day.

Pharmacokinetics: Absorption and Distribution: Marinol® (Dronabinol) Capsules is almost completely absorbed (90 to 95%) after single oral doses. Due to the combined effects of first pass hepatic metabolism and high lipid solubility, only 10 to 20% of the administered dose reaches the systemic circulation. Dronabinol has a large apparent volume of distribution, approximately 10 L/kg, because of its lipid solubility. The plasma protein binding of dronabinol and its metabolites is approximately 97%.

The elimination phase of dronabinol can be described using a two compartment model with an initial (alpha) half-life of about 4 hours and a terminal (beta) half-life of 25 to 36 hours. Because of its large volume of distribution, dronabinol and its metabolites may be excreted at low levels for prolonged periods of time.

Metabolites: Dronabinol undergoes extensive first-pass hepatic metabolism, primarily by microsomal hydroxylation, yielding both active and inactive metabolites. Dronabinol and its principal active metabolite, 11-OH-delta-9-THC, are present in approximately equal concentrations in plasma. Concentrations of both parent drug and metabolite peak at approximately 2 to 4 hours after oral dosing and decline over several days. Values for clearance average about 0.2 L/kg-hr, but are highly variable due to the complexity of cannabinoid distribution.

Elimination: Dronabinol and its biotransformation products are excreted in both feces and urine. Biliary excretion is the major route of elimination with about half of a radio-labeled oral dose being recovered from the feces within 72 hours as contrasted with 10 to 15% recovered from urine. Less than 5% of an oral dose is recovered unchanged in the feces.

Following single dose administration, low levels of dronabinol metabolites have been detected for more than 5 weeks in the urine and feces.

In a study of Marinol® Capsules involving AIDS patients, urinary cannabinoid/creatinine concentration ratios were studied biweekly over a six week period. The urinary cannabinoid/creatinine ratio was closely correlated with dose. No increase in the cannabinoid/creatinine ratio was observed after the first two weeks of treatment, indicating that steady-state cannabionoid levels had been reached. This conclusion is consistent with predictions based on the observed terminal half-life of dronabinol.

Special Populations: The pharmacokinetic profile of Marinol® Capsules has not been investigated in either pediatric or geriatric patients.

CLINICAL TRIALS

Appetite Stimulation: The appetite stimulant effect of Marinol® (Dronabinol) Capsules in the treatment of AIDS-related anorexia associated with weight loss was studied in a randomized, double-blind, placebo-controlled study involving 139 patients. The initial dosage of Marinol® Capsules in all patients was 5 mg/day, administered in doses of 2.5 mg one hour before lunch and one hour before supper. In pilot studies, early morning administration of Marinol® Capsules appeared to have been associated with an increased frequency of adverse experiences, as compared to dosing later in the day. The effect of Marinol® Capsules on appetite, weight, mood, and nausea was measured at scheduled intervals during the six-week treatment period. Side effects (feeling high, dizziness, confusion, somnolence) occurred in 13 of 72 patients (18%) at this dosage level and the dosage was reduced to 2.5 mg/day, administered as a single dose at supper or bedtime.

As compared to placebo, Marinol® Capsules treatment resulted in a statistically significant improvement in appetite as measured by visual analog scale (see figure). Trends toward improved body weight and mood, and decreases in nausea were also seen.

After completing the 6-week study, patients were allowed to continue treatment with Marinol® Capsules in an open-label study, in which there was a sustained improvement in appetite.

Antiemetic: Marinol® (Dronabinol) Capsules treatment of chemotherapy-induced emesis was evaluated in 454 patients with cancer, who received a total of 750 courses of treatment of various malignancies. The antiemetic efficacy of Marinol® Capsules was greatest in patients receiving cytotoxic therapy with MOPP for Hodgkin's and non-Hodgkin's lymphomas. Marinol® Capsules dosages ranged from 2.5 mg/day to 40 mg/day, administered in equally divided doses every four to six hours (four times daily). Escalating the Marinol® Capsules dose above 7 mg/mg^2 Capsules dose above 7 mg/m^2 increased the frequency of adverse experiences, with no additional antiemetic benefit.

Combination antiemetic therapy with Marinol® Capsules and a phenothiazine (prochlorperazine) may result in synergistic or additive antiemetic effects and attenuate the toxicities associated with each of the agents.

INDIVIDUALIZATION OF DOSAGES

The pharmacologic effects of Marinol® (Dronabinol) Capsules are dose-related and subject to considerable interpatient variability. Therefore, dosage individualization is critical in achieving the maximum benefit of Marinol® Capsules treatment.

Appetite Stimulation: In the clinical trials, the majority of patients were treated with 5 mg/day Marinol® Capsules, although the dosages ranged from 2.5 to 20 mg/day. For an adult:

1. Begin with 2.5 mg before lunch and 2.5 mg before supper. If CNS symptoms (feeling high, dizziness, confusion, somnolence) do occur, they usually resolve in 1 to 3 days with continued dosage.

2. If CNS symptoms are severe or persistent, reduce the dose to 2.5 mg before supper. If symptoms continue to be a problem, taking the single dose in the evening or at bedtime may reduce their severity.

3. When adverse effects are absent or minimal and further therapeutic effect is desired, increase the dose to 2.5 mg before lunch and 5 mg before supper or 5 and 5 mg. Although most patients respond to 2.5 mg twice daily, 10 mg twice daily has been tolerated in about half of the patients in appetite stimulation studies.

The pharmacologic effects of Marinol® Capsules are reversible upon treatment cessation.

Antiemetic: Most patients respond to 5 mg three or four times daily. Dosage may be escalated during a chemotherapy cycle or at subsequent cycles, based upon initial results. Therapy should be initiated at the lowest recommended dosage and titrated to clinical response. Administration of Marinol® Capsules with phenothiazines, such as prochlorperazine, has resulted in improved efficacy as compared to either drug alone, without additional toxicity.

Pediatrics: Marinol® Capsules is not recommended for AIDS-related anorexia in pediatric patients because it has not been studied in this population. The pediatric dosage for the treatment of chemotherapy-induced emesis is the same as in adults. Caution is recommended in prescribing Marinol® Capsules for children because of the psychoactive effects.

Geriatrics: Caution is advised in prescribing Marinol® Capsules in elderly patients because they are generally more sensitive to the psychoactive effects of drugs. In antiemetic studies, no difference in tolerance or efficacy was apparent in patients 55 years old.

INDICATIONS AND USAGE

Marinol® (Dronabinol) Capsules is indicated for the treatment of:

1. anorexia associated with weight loss in patients with AIDS; and

2. nausea and vomiting associated with cancer chemotherapy in patients who have failed to respond adequately to conventional antiemetic treatments.

CONTRAINDICATIONS

Marinol® (Dronabinol) Capsules is contraindicated in any patient who has a history of hypersensitivity to any cannabinoid or sesame oil.

WARNINGS

Patients receiving treatment with Marinol® Capsules should be specifically warned not to drive, operate machinery, or engage in any hazardous activity until it is established that they are able to tolerate the drug and to perform such tasks safely.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, for two reasons. Number one, I believe in freedom. I believe in democracy and the democratic process. If the people of 10 States have voted, I guess eight of them have actually voted through referendum and two through their other legislative process to legalize the medical use of marijuana within those States, it is totally contrary to our way of life in the United States of America to say that those States, the people of those States, do not have a right to set their standards, their legal standards in those States.

There are dry counties, and there are wet counties. You can have a State that is right next to one State. That is no argument. You do not have to have one rule for the whole country. That is what federalism is all about. And what greater use of federalism or more important use of federalism than for people to control substances as they are consumed in their own area? I would suggest that in my State, for example, where the people did, by a large majority, vote for legalizing the medical use of marijuana that it is a travesty for the Federal Government to send police into my State and arrest people and throw them in a cage, in jail, for doing something that the vast majority of people in my State voted to make a legal practice. This is contrary to American tradition. This is not right. It has only been in this last 100 years that America has decided to go haywire and create this type of oppression which is contrary to the wishes of the majority of people in these areas.

Number two, let us just face it, it has not worked. The process that we have tried to use to prevent drug use has not worked. The drug war is a miserable failure. That does not mean we should give up. I am not advocating that. I do not advocate legalizing drugs, but I think that it is time to take a second look at what has been going on. It has not succeeded at all in preventing people from using drugs, and it has been a catastrophe in the black and other minority communities where young people get thrown into jail at an early age and their whole life is ruined. We need to take a second look at drugs in general and how we are going to try to convince young people not to use drugs.

By the way, I was Ronald Reagan's speech writer and I wrote almost every one of his speeches about drugs at a time when we convinced America's youth to stop using drugs and there was the greatest decline in the use of drugs during Reagan's administration as any time in our history. I can assure you in Ronald Reagan's speeches, he talked about just relying on law enforcement was not the answer. And it certainly is not the answer in dealing with medical marijuana that has been approved by the majority of people in various States. Lynn Nofziger, Ronald Reagan's adviser; William F. Buckley, the editor of National Review; Bob Ehrlich, the Governor of Maryland, all of these people understand what this is all about and understand that those people opposing this liberalization of the medical use of marijuana are living in a bygone era.

Let me just note this. My mother passed away about 4 or 5 years ago. One of the factors in my determination tonight to stand up here before you is that I remember when the doctor told me that she had lost her appetite and I was going to have to feed her. I was very pleased that I had voted for making the medical use of marijuana legal because I could not look at myself in the face knowing that I had done that to other people who were confronted by their mother. What are we doing to someone, and they do not have to be critically ill. What about an older person that has lost their appetite and their will to live? If a doctor thinks it is going to help them to use marijuana, it is immoral for us to try to put people in jail who are moving to alleviate that type of horror that people have in their own lives.

Are we compassionate or are we not? I suggest that we vote for compassion and freedom and support this liberalization.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, it is awful when your parents get older and have different struggles and we need to look and we have found drugs to give them to try to address this question. That is not what this debate is about. The gentleman from California and I have been friends for many years. We grew up in the same conservative youth organization, Young Americans for Freedom. We had these same disagreements when we were in YAF a long time ago on legalization of marijuana. We had a very close vote in the national organization. It was an organization founded by William F. Buckley. Richard Brookhiser came up through that same organization. What we called, and I was a more traditionalist conservative, the libertarians believed at that time, and in many cases still do, as we heard from the most consistent libertarian in the House, the gentleman from Texas (Mr. PAUL), that drug laws are wrong and that States can nullify Federal laws. I do not agree with that. I believe there are times when the elected representatives of the American people can make national policy and that is what we are debating right now. Does the Federal Government have a right to make a law by elected citizens all across the United States that will be upheld because they believe it protects the citizens of the United States in the best way?

Many States conceivably could pass different laws on civil rights to nullify some of the things we do here and other laws. We cannot operate that way. We heard earlier today that people said on the other side that we should support the first responders and our police forces. They are unanimous across the country as a whole saying

that they are against any weakening of the marijuana laws with the signals they are sending. This is a fundamental debate about what direction we are going in national drug law. This is a backdoor way to move in. It is not about compassion. We need to look for additional ways if Marinol does not solve it all, but it does and in the new, improved ways it actually appears to deal with vomiting.

People can promise all types of different things. We can feel the pain, but we should not change laws that are working. And if we want to change those laws on the national drug policy, you should come and change the national drug laws. It would be a travesty if this House in effect nullifies Federal law. This is not just nullifying Federal law. The case was brought to the Supreme Court. The Supreme Court ruled that the Attorney General and DEA have an obligation to enforce Federal law.

I believe that the courts too often have usurped State authority and taken the 10th amendment the wrong direction. This is not about that. This is about when Congress passed a law under the Constitution that said in interstate commerce, which narcotics move across interstate commerce, which was not a liberal interpretation of that clause but a strict interpretation of that clause from a conservative perspective, all except the more anarcho-libertarians, as we used to call them, believe that in drug laws the Federal Government historically has had the right to enforce a Federal law. The conservative movement is not divided. We have a few of the libertarian fringe who I respect for their opinions but strongly disagree just as we did when we were kids; now we are grownups, and we still have the same disagreement.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from New York for yielding me this time.

Mr. Chairman, I respect the gentleman from Indiana (Mr. SOUDER) for the work that he has done. We have traveled together. I think anyone that comes to the floor of the House and discusses this issue obviously is not concerned about the political liability that the headlines will read that you stood on the floor of the House to support the free and open use of marijuana and the promotion of drug use in the United States of America. That is why I think it is very important to clarify the distinctive arguments that are being made on either side. In fact, I disagree with the interpretation of nullification when, in fact, it is an issue of States' rights that will not be harmful to others.

I believe the Federal law is relevant when the Federal law seeks to solve a problem that is, in fact, harmful overall to all Americans. The civil rights example that the gentleman from Indiana used was an issue where the United States wanted to fall on the side of what was right and end the most heinous of behaviors in the 20th century, and that was segregation, lynching; and so we wrote civil rights laws to give equality to all Americans.

This issue of the medical use of marijuana is a question of the patients asking and demanding relief. I guess there is no one that can stand in the shoes of a patient who is suffering from the horrible pain of cancer. No one, none of us who are standing here healthy today can understand the absolute pain of not being able either to eat or suffer through the treatment that might be provided by normal medical procedures.

My understanding of the States that have voted for the use of medical marijuana is, in fact, regulated processes; is, in fact, structures in place to ensure that this is not a situation of drug running. So I do not know why we have come to the floor of the House and not respect the amendment that the gentleman from New York has put forward, which is to cease the utilization of Federal funds for intervention in a process that has been accepted by States and regulated by States. Appropriately, I believe, the 10th amendment, leave-it-to-States, States' rights, should be the acceptable call of the day. That should be the law.

These nine or 10 States have opted to be able to choose in their regulated manner to allow for physicians and others to be able to prescribe marijuana for use to be able to help their patients and to stop the pain that they are suffering from. I cannot imagine that we would not want to be problem solvers on this issue and take the responsible route, which is to allow States who have been responsible in their own areas and suggested that medical marijuana is a vital and important use.

I would hope my colleagues would see this separately from the war on drugs when there is a great debate as to whether the war on drugs is effective. I too am not interested in legalizing drug use, but I am interested in making sure that the sick are taken care of and States' rights are protected in this instance.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding me this time.

Mr. Chairman, I again reiterate my opposition to this amendment. I would agree with the gentlewoman who just spoke that each side has an argument of merit in this debate. I compliment her for standing up and speaking out her views. But I would say I strongly disagree.

Let us start with this whole issue of States' rights. I yield to no one on the issue of States' rights. I have a piece of legislation I have introduced every year in this Congress which would have required every Member of Congress to cite in each bill they introduce the constitutional authority, the provision of the U.S. Constitution that gives the Congress the right to act in this area. The gentlewoman would suggest that medical marijuana is not an area in which the Federal Government has the right to legislate.

□ 2115

The implication there is that the Federal Government does not have the right to legislate in the area of drug policy.

I would suggest that our Nation's civil rights laws, which I strongly support, are based on the issue of interstate commerce and that discrimination affects interstate commerce, and therefore it is appropriate for the Federal Government to pass laws prohibiting civil rights conduct that is offensive, including discrimination.

By the same token, clearly our Nation's laws against drugs, marijuana and all of the others, are based on the same premise, and that is that they do affect interstate commerce. Indeed, drug use, illegal drug use by American workers, imposes a tremendous burden on our workforce and on our productivity.

But let us go beyond that. The argument I believe she tried to make was there is a distinction because these laws that do not have any negative effect, they do not do harm. I would suggest that even if medicinal marijuana did not harm anyone other than its user, an argument I will refute in just a moment, that premise would be wrong.

But let us look at the case cited earlier in this debate. There is a doctor in California who has taken advantage of that State's medical marijuana law to write 7,500 prescriptions for medical marijuana and has conducted in doing that not a single medical exam. The reality is, this is a fraud. The medical marijuana prescriptions which that doctor and other doctors have written are not written for medicinal reasons. The gentleman from Texas (Mr. BURGESS) gave, I thought, eloquent testimony here on this floor just a few moments ago in which he made it very clear that there are drugs available to doctors today with the exact same medical and medicinal properties as marijuana, that will relieve the pain or that will deal with the lack of hunger or appetite, that will deal with those issues.

I want to make another point. It was interesting that in this debate one of my colleagues on the other side said, Look, we already recognize certain painkilling drugs and we allow them to be legal in our system, and he cited a couple of those painkilling drugs. Why do we not allow marijuana? The answer is, there is sound evidence behind allowing certain drugs and there is no

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

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

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

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

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

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

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

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

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

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

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

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

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

Some of the arguments that have been made against this amendment have nothing to do with what this amendment seeks to achieve. It is very narrow in its form and in its definition. It relates only to States that have decided in their own way, either by referendum, which eight of them have, or by laws passed by their State legislative bodies, to allow people to use marijuana for medical purposes to relieve the pain and suffering in the final days of their lives.

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

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

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

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

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

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

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

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

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

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

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

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

The SPEAKER pro tempore. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 2124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

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

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.