

against torture and other cruel, inhumane and degrading treatment or punishment.

I have had the privilege but heart-wrenching experience of hearing about torture from firsthand accounts of the victims, from a woman in North Korea to firsthand reports in Egypt. We remember one case in Al Qush where a government official, in order to find a criminal, arrested and tortured many of the 1,100 Coptics in order to find someone to confess committing the crime.

In China, there are numerous reports of Tibetan Buddhists, Falun Gong members, house church pastors and congregants, democracy activists who spent time in prison reform camps where they endured torture by communist officials. A recent account, Pastor Gong Shengliang, who may die in prison because of the effects of torture, is ongoing.

In May of last year, the Washington Post detailed a story of Concei da Silva who was brutally tortured in Angola. While in prison, officials hung him upside down, his veins were slashed, chunks of flesh were carved out of his chest with a machete, electricity applied to parts of his body, teeth removed. Awful things have happened.

In Latin America, terrible stories of torture. Sister Dianna Ortiz has spoken out strongly regarding her horrible kidnapping torture at the hands of the Guatemalan security forces.

The torture is horrifying, deeply affecting victims' lives. And those responsible for these crimes should be brought to justice. Unfortunately, in many countries the perpetrators will not be punished for their crimes as torture is systemic.

I and many of my colleagues strongly believe that publicizing the names of those involved in torture, government officials, can help in the campaign to end the use of torture by government officials; and I urge my colleagues to support this amendment that provides \$25,000 to the Bureau of Democracy, Human Rights and Labor to compile and maintain a public list of individuals involved in torture.

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

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I want to thank the gentleman for offering it.

This really follows the principle that was used during the Carter administration and during the Reagan administration by keeping lists. Therefore, if you happen to be going to a country, when you go to China you are able to check to see that X and Y have been tortured, so when you meet with government officials, you can raise those cases. This is the way it was done in the Carter administration and in the Reagan administration.

This is a very good amendment, and I thank the gentleman for offering it, and I rise in strong support of it. I urge that we accept it.

Mr. SERRANO. Mr. Chairman, I join the gentleman from Virginia (Mr.

WOLF) in strong support. This is an issue that the chairman has been very strong on. We all are.

The whole situation, however, brings up a question, and I ask the gentleman not to take this as a sarcastic statement; I just need clarification. Does this include any ordering of torture used by a government near to us, like our own government, or is this just for foreign governments?

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

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

Mr. PITTS. The gentleman knows that our policy is not to torture. Our system is progressing in the light of day with the investigations and the prosecution of torture, but this would apply to any government officials who use torture.

Mr. SERRANO. But it would be any foreign government official? I know this sounds like some sort of a sarcastic comment, but I am really trying to get to the bottom of this. Are you only applying this to foreign governments, or could this, in fact, be a question of our own government if, in fact, somebody ordered torture on some people in recent times?

Mr. PITTS. We do not specify, we do not say "foreign." We specify that the State Department compile a list of any government officials who use torture.

Mr. SERRANO. Reclaiming my time, the gentleman does open up an issue which is greater perhaps than what he intended to do, but the possibility exists that if the State Department did its job properly, and in this case it probably will not, we will never get to the bottom of the issue of who ordered torture on some people that we may be dealing with in this country. But, nevertheless, I think it is a great thought and a great idea, and I support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS). So the amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:
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 for the American Community Survey.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

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

Mr. Chairman, this is an amendment that denies all funding for the American Community Survey. And if anyone has been listening to the debate early on, the Census has come up numerous times already, and much of what I have to propose here has in many ways has been debated. But I do want to bring it up one more time dealing specifically with the American Community Survey.

One of the reasons why it came to my attention is just recently I received this survey in the mail here in my temporary residence in Virginia. It is rather intimidating and it is rather threatening when you receive this in the mail. And I have the envelope here and right up on the front they have warned me. They said "The American Community Survey form enclosed. Your response is required by law."

This was the second time. Evidently, I missed it the first time, so the second time around I have been threatened by the census police that I better jolly well fill it out or the police will be knocking on the door. And that does happen because I have known other individuals who have not filled out the long form, and they come to the door, the police are there deciding they want this information.

It was stated earlier in the discussion about the census that this was certainly the law of the land. The law of the land is very clear that the Congress gave the authority; the Census Bureau certainly does not do this on its own. We, the Congress, gave it the authority to do this. But it just happens to be an authority that we had no right to give. We have no right to give this authority to meddle into the privacy of American citizens.

Article 1, section 2 of the U.S. Constitution mandates a national census every 10 years. I am in support of that, and I vote for funding for a national census every 10 years for the sole purpose of congressional redistricting. But, boy, this is out of hand now. We are talking about hundreds of millions of dollars and it is perpetual. The argument earlier was, we have to have to survey continuously because we save money by spending more money. Ask people a lot of questions, personal questions about bathrooms and incomes and who knows what.

This survey I have got here, here is a copy of it. It is called the American Community Survey. And it says the Census Bureau survey collects information about education, employment, income, housing for the purposes of community uses so that they can do community economic planning.

How did we ever get involved in all of this? It is almost sacred now that we fund these programs and they are going to be perpetual, perpetual meddling in the personal lives of all American citizens, 24 pages here.

I got to wondering, I did not fill it out the first one. I got the second one, and they are threatening me. I know I

did not vote for it, but you who did means, you are ready to send the census police out to get me.

□ 1915

I am getting worried about this. I mean, what is the penalty? So I looked it up, and it is not insignificant. Do you know what my colleagues have done and threatened me with? A \$1,000 penalty for every question I do not answer. Wow, that is scary stuff. I had a friend that he did not answer the long form, after a couple of requests, the census police came and knocked on his door and said you better, you better answer all these questions or you are going to be penalized.

So that is the kind of thing that we do and everybody talks about all these wonderful advantages, but it is stuff we do not need. I mean, if we want this information, if people need this information in the communities, they ought to get it themselves. This whole idea that we have to collect all this information for the benefit of our communities to do all this economic planning, I mean, it is just so much more than we need, and we are not talking about 10 or \$15 million. We are talking about hundreds of millions of dollars, and it is not just every 10 years.

It is continuous with this perpetual threat, you tell us what we want to know and we are going to put it into the record, and if not, for every question you do not answer, we can fine you \$1,000 if you do not tell us your age and where you work and how far you have to go to work and how long it takes you to go to work.

I mean, this is way too much of Big Brother. Let me tell my colleagues, I think the American people cannot be very happy with all this meddling.

So my proposal is let us at least get rid of the American Community Survey, which is the ongoing nuisance that we put up with, and limit what we do here to what the Constitution has told us we can do and what we should do, and that is, count the people every 10 years for the purpose of redistricting. But big deal, who cares. For all we do around here, how often do we really pay attention to the details of the Constitution?

So I ask my colleagues to support this amendment and cut this funding.

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

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

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

I rise in opposition. The census is one of the oldest civic functions of our Nation. Article I of the U.S. Constitution requires enumeration of the population every 10 years. The census is the largest peacetime mobilization of our government personnel.

The American Community Survey is designed to replace the long-form portion for future decennial censuses, therefore leaving only the short-form portion.

Many Americans found that filling out the long-form survey to be burdensome, and many said this contributed to the declining response rate of the long form, therefore costing the American taxpayer more money to have census takers returning to the non-responding households.

The Committee on Government Reform and the Committee on Appropriations have worked to ensure that the Census Bureau has the necessary funding to carry out its mission and to ensure that for 2010 there will only be a short form census.

The question of constitutionality of the American Community Survey is not new. On April 4, 2002, the General Accounting Office responded to the vice-chairman of the Committee on Government Reform's request for an opinion. The GAO stated, "Census clearly has authority to conduct the ACS." There is sufficient legal authority.

If we do not fund the ACS, we will ensure we have a two-form census in 2010, which will cost an additional \$4 million for the taxpayer.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the Paul amendment. This amendment would kill funding for the American Community Survey, which is one of the most exciting and innovative improvements to the Census in decades.

The American Community Survey is a new approach for collecting accurate, timely information needed for critical government functions such as funding highway planning, school lunch programs, and community block grants.

The decennial census used to have two parts: (1) it counted the population for reapportionment and redistricting purposes; and (2) it obtained demographic, housing, social, and economic information by asking one out of every six households to fill out a "long form."

This data has been used for the administration of Federal programs and the distribution of billions of Federal dollars funding.

Planners and other data user had to rely on long form information that was only gathered every ten years to make decisions that were expensive and affected the quality of life for thousands of people.

In a nation changing as rapidly and profoundly as ours, using eight, nine or even ten-year-old data was simply unacceptable.

Starting in 1996 the Bureau began developing the American Community Survey to replace the long form. It had three main purposes:

1. To provide Federal, state, and local governments an accurate information base for the administration and evaluation of government programs.

2. To improve the 2010 Census by allowing everyone to only be required to fill out the short form, and

3. To provide data users with timely demographic, housing, social, and economic data updated every year that can be compared across states, communities, and population groups.

In order to insure that the data are available for use in time for the 2010 Census we must fund as completely as possible the ACS for this next fiscal year.

It is also important to point out that Congress mandates every question asked by this survey.

If this amendment were to pass, every one of these questions would still be asked, but the Census would have to use the old-fashioned, less effective long form method.

Finally, I want to take notice of the fact that there have been several amendments offered today which reduce or zero out funding for various aspects of the 2010 Census development. Members need to understand that funding cut today cannot just be added in three or four years from now. It takes time to develop an excellent Census and Congress should give the Bureau the time it needs to create that Census.

I urge my Colleagues to stand up for our communities and states and oppose the amendment to kill the American Community Survey.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. 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. WOLF:

Page 92, line 16, before the colon insert the following: ", of which \$13,000,000 shall be available for microloan technical assistance, and of which \$1,000,000 shall be transferred to and merged with appropriations for 'Business Loans Program Account' and shall remain available until expended for the cost of direct loans".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 6 minutes.

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

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

I rise in support of the amendment. We worked with the gentleman from New York (Mr. SERRANO), the ranking member, on this amendment. It restores the microloan program. We are in agreement, and I ask that the amendment be approved.

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

The CHAIRMAN. Does the gentleman from New York (Mr. SERRANO) rise to claim the time in opposition, even though he is in favor?

Mr. SERRANO. Mr. Chairman, let me first clarify something. Am I correct in that there has been a mix-up here and I am no longer allowed to strike the last word on a pro forma basis?

The CHAIRMAN. The pro forma amendments are in order on the bill and not to the amendments.

Mr. SERRANO. Mr. Chairman, I should have read the small print.

Mr. WOLF. Mr. Chairman, would it be possible to reclaim my time?

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. WOLF) reclaims his time.

There was no objection.

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

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 5½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I just want to thank the chairman for this amendment. This amendment is one that committee members and other Members had asked for, and it is important that we move ahead on it.

We had a long discussion before on the 7(a) loan, and we passed an amendment. We needed to take care of this one which we already had agreed on in order to really move ahead the support that we put forth for the SBA and for the various loans, and so I am a full supporter, and I thank the chairman for bringing it forward.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me, and Mr. Chairman, I rise in strong support of this bipartisan amendment which the gentleman from Virginia (Mr. WOLF) has offered to restore funding for the Small Business Administration's microloan program, and I want to thank the gentleman from Virginia (Chairman Wolf) and the gentleman from New York (Ranking Member Serrano) and both of their staffs for their good work in bringing the amendment to the floor.

The SBA microloan program began as a 5-year pilot in 1991; and throughout its existence, the program has had strong bipartisan support in both Chambers.

The Small Business Programs Reauthorization Amendments Act of 1997 made the microloan pilot a permanent program, and the accompanying House report in 1997 stated: "Begun in 1991, this program has served the smallest and often least noticed section of the small business community. The committee has recognized the efficacy of this program and changed it from demonstration to permanent program status."

Today, 170 microloan intermediary lenders nationwide provide loans to our smallest businesses whose financial needs can often not be met by traditional lenders.

Since its creation, the program has provided \$213 million in loans, as well as technical assistance to 19,000 microenterprises; and in the process, it has created 60,000 jobs. We should remember that the average loan here is about \$12,000, well below other SBA programs and far below conventional business loans by banks.

Most importantly, microloans have assisted large numbers of women- and minority-owned businesses, rural businesses and start-up businesses.

The microloan program is the only SBA program to offer both loans and technical assistance to small businesses, a combination that enables an entrepreneur with a good idea to become a businessperson with a good bottom line.

In my district, one intermediary, the Western Massachusetts Enterprise Fund, has made 113 loans totaling over \$1.4 million, and that program has made a difference for many entrepreneurs, providing the financing and technical assistance necessary to launch or expand their businesses.

If we fail to restore funding for the microloan program, we will hamper the efforts of small entrepreneurs nationwide. Small businesses bring innovative ideas to market and create much-needed jobs.

I urge a "yea" vote on the Wolf-Serrano amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PAUL:
Insert before the short title at the end of the bill the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the Controlled Substances Act for the purpose of relieving or managing pain; or

(2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used—

(1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or

(2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

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

Mr. PAUL. Mr. Chairman, what this amendment does is it denies funding to the Department of Justice to prosecute doctors for prescribing legal drugs.

The reason I bring this up is to call attention to the Members of a growing and difficult problem developing in this country, and that is, that more and more doctors now are being prosecuted by the Justice Department under the laws that were designated for going after drug kingpins, for illegal drug dealers; but they are using the same laws to go after doctors.

It is not one or two or three or four. There are approximately 400 doctors who have been prosecuted, and I know some of them, and I know they are good physicians; and we are creating a monster of a problem. It does not mean that I believe that none of these doctors have a problem. As a physician, I know what they are up against and what they face, and that is, that we have now created a system where a Federal bureaucrat makes the medical decision about whether or not a doctor has prescribed too many pain pills. I mean, that is how bureaucratic we have become even in medicine; but under these same laws that should be used going after kingpins, they are now being used to go after the doctors.

As I say, some of them may well be involved in something illegal and unethical; and because I still want to stop this, this does not mean I endorse it, because all the problems that do exist with some doctors can be taken care of in many different ways. Doctors are regulated by their reputation, by medical boards, State and local laws, as well as malpractice suits. So this is not to give license and say the doctors can do anything they want and cause abuse because there are ways of monitoring physicians; but what has happened is we have, as a Congress, developed a great atmosphere of fear among the doctors.

The American Association of Physicians and Surgeons, a large group of physicians in this country, has now advised their members not to use any opiates for pain, not to give adequate pain pills because the danger of facing prosecution is so great. So the very people in the medical profession who face the toughest cases, those individuals with cancer who do not need a couple of Tylenol, they might need literally dozens, if not hundreds, of tablets to control their pain, these doctors are being prosecuted.

Now, that is a travesty in itself; but the real travesty is what it does to the other physicians, and what it is doing is making everybody fearful. The other doctors are frightened. Nurses are too frightened to give adequate pain medications even in the hospitals because of this atmosphere.

My suggestion here is to deny the funding to the Justice Department to prosecute these modest numbers, 3 or 400 doctors, leave that monitoring to the States where it should be in the first place, and let us get rid of this