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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 24, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

FINISHING THE JOB FOR AMERICAN SENIORS

Mr. DELAY. Mr. Speaker, as we approach the 6 month mark for the 108th Congress, we can look back on our work with a great sense of accomplishment. Just in the last 3 weeks, the House has moved major legislation benefiting consumers, children, small businesses and working class parents. As important as these accomplishments have been, they are only part of a broader three-part agenda.

The Republican leadership of this Congress set three major objectives when we were sworn in.

We committed ourselves to do our part to support the war on terror, and through our work on the budget and the Operation Iraqi Freedom war supplemental, we have.

We committed ourselves to help get the economy started moving again, and since the House passed the President's Jobs and Growth Package, wealth has been created, losses recovered, consumer confidence has risen and jobless claims have fallen.

Finally, the Republican majority committed itself to work with the President to finally create a prescription drug benefit with Medicare.

American seniors have been waiting for Congress to act for years to finally make the Medicare program reflect 21st Century medical realities. We cannot wait on the sidelines while they are hurting financially and physically.

We must act, and this week we will. The House has twice before passed a prescription drug benefit, only to have it stalled along its way. But this time we are going to get it right and get a bill to the President's desk.

When we got here, our Nation faced three big problems: Terrorism, a sagging economy, and seniors being bankrupted by their prescription drug bills.

In response, we had three big ideas: Continuing our relentless war on terror, creating jobs and growing the economy, and adding a long overdue prescription drug benefit to Medicare.

This Republican Congress will not lose sight of the big picture, Mr. Speaker. For everything else we accomplish at the end of the day, we will be judged on how we meet these three challenges.

In the last 6 months, we have met the first two head on. It is time to do the same with the third. We have done a great deal so far, but it is time to finish the job.

MAKING AMERICA FISCALLY SECURE FOR FUTURE GENERATIONS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise today to talk about how much debt and how much of an increased tax there is going to be placed on my 10 grandchildren and everybody else's grandchildren and children. Let me just review what we have been doing on increased spending.

Discretionary increases have averaged 6.3 percent each year since 1996 and 7.7 percent each year since budget balance was reached in 1998. By this chart, you can see the red line where we have taken off on increased spending, not just keeping up with inflation, but 6.3 percent every year, which is two and three times the rate of inflation, and, in one year, four times the rate of inflation. How big can government get? How big do we want government to be?

This week we are considering a prescription drug program. The next chart, Mr. Speaker, shows what is going to happen to the total debt of this country. The blue line is the gross Federal debt. The debt held by the public is the green line.

Actually, we have two debts in this country. First, is the amount we borrow from Social Security. In 1983, we expanded the Social Security tax, increased the FICA tax, your payroll tax for Social Security, more than ever before in the history of the country and it is still going wrong. In fact, when we started Social Security, it was 1.5 percent of payroll, and now it is 12.4 percent of payroll. Seventy percent of American workers today pay more in their payroll tax than they do in the income tax. So we have been borrowing from Social Security right along, and

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this is the purple line coming up at the bottom and increasing to $10 trillion.

Already today we have a $9 trillion unfunded liability in Social Security. That means if we invested $9 trillion today, with interest it could keep Social Security solvent for 75 years. The alternative is we continue to increase taxes on somebody, someplace, to pay promised Social Security benefits, or we cut those benefits.

Now I want to talk about what we are about to approach this week, and that is having the largest increase in entitlement programs that has been passed by this Congress in 39 years.

What happened 39 years ago? We amended the Social Security bill in 1965 to include Medicare. The original estimates of the cost of Medicare as a percent of GDP is now just a small fraction of the actual costs of Medicare. In fact, Medicare is going bankrupt. It is going broke. There is going to be less money coming into Medicare and to Social Security than what is required to pay promised benefits. So we have been doing fiscal creative accounting, using general fund money trying to keep up. But now we are adding to the costs to Medicare by adding prescription drugs.

Dr. Thomas Sowell is a senior fellow at Hoover Institute. He says, ''Why should seniors be singled out to be subsidized by taxpayers, except that their votes are being sought after by both parties?''

That was true in 1965. Both sides of the aisle decided they wanted to get more votes from seniors, so they amended Social Security to add the Medicare program. Now both sides of the aisle and the President are trying to get more votes from seniors, so we are adding a prescription drug program.

I have 10 grandchildren, Mr. Speaker. They are going to be saddled with the largest debt in history. I see our Pages in this Chamber. They are the generation at risk. Why should they be asked to pay for a senior drug program? The retireing seniors today are probably the wealthiest seniors we are going to ever see in history.

We are losing our manufacturing base. We are spreading ourselves so thin with more government spending that we are mounting a massive debt for our kids and our economy.

Grandparents; as you look at prescription drugs, I think you have got to start thinking about what we are saddling our kids with.

I would like to pose a question: Why should my kids, who are trying to save enough money for their kids to go to college, pay for prescription drugs for seniors?

Let me ask another question, and that is about my 10 grandkids. Why should we pass this large increase in entitlement programs, which is going to mean a huge debt for all grandkids to deal with?

What we are doing is increasing the debt of this country more rapidly than ever before in history. It took the first 200 years of this Congress, of this Nation, to amass a $450 billion debt, the first 200 years. And now we are having a debt increase that we are passing on to our kids that amounts to about $450 billion per year.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12(a), rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 11 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Remember Your covenant with Your people, Lord; make us truly Your own. Instill in this Nation the promise once heard from Joshua: ''Tomorrow, the Lord will perform wonders among you.''

Strengthen the Members of the House of Representatives today as they address the problems, needs, and opportunities of tomorrow. With faith in You and in this Nation with its freedom, spontaneity, and resources, call us to move into the future.

Free us from the scenario of yesterday's fears and uncertainty. Fill us with vision and hope. Help us to build upon the solid rock of today's reality. With candor, civility, and creativity, guide the discussions that will reveal a plan for tomorrow.

By disposing ourselves, our energies, and our commitments to Your determinations, prepare us to be startled by wonders You alone can produce. From our feeble attempts, You piece together solutions to tomorrow's problems.

For in You, we place our trust, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 239. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 1157. An act to establish the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION REFORM ACT

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, later this week, we will pass a prescription drug benefit for all seniors in Medicare that is affordable and voluntary. We will protect the poorest seniors by helping pay for their drug costs immediately. By using the same principles already used by private companies, we will lower drug costs for seniors by passing along to them bigger discounts from manufacturers.

We will also strengthen Medicare for future generations by providing preventive care such as cholesterol screening and initial physical exams, and chronic care management for seniors with serious and complicated illnesses.

We can only strengthen Medicare's future if we are able to ensure access to the services that seniors need today. In this Medicare bill, we increase payments to doctors and hospitals, especially in the rural communities, so that seniors can get better health services when they are needed.

For much too long, our parents and our grandparents have paid too much for their drugs. We have an opportunity now to change this, by passing a prescription drug bill for all seniors.

WAR IN IRAQ: MANUFACTURED CATASTROPHE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this administration deliberately took this Nation into a war against Iraq based on false premises. Iraq had nothing to do with 9–11, with al Qaeda's role in 9–11, with the anthrax attack on this Nation; did not represent an imminent threat to the United States, had no usable weapons of mass destruction. That is why the weapons of mass destruction cannot be found.

This deception made America less secure. It cut the United States off from

the world community. It violated the U.S. Constitution, it violated the U.N. charter, it violated the Geneva Convention; and it continues to cost, because we are now losing our men and women in combat on a regular basis. We continue to lose them. It has cost the lives of countless innocent Iraqis. It has cost the taxpayers of this Nation over $100 billion, and it has cost tens of billions of dollars in damage to Iraq. It has strengthened religious fundamentalists in Iraq who now threaten the freedom of women in Iraq's society.

This manufactured catastrophe called ''foreign policy'' represents not only a failure of truth, a great credibility gap, but, more than that, America faces a crisis of legitimacy of this administration itself, which lied to the American people to get approval for a war.

ENSURE QUALITY OF CARE AND SOLVENCY OF MEDICARE

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, while the House is in the midst of debate that will improve Medicare for millions of seniors, we must ensure both the quality of care and the solvency of the Medicare system for all of our seniors.

Mr. Speaker, the prescription drug benefit we institute must be coupled with meaningful reforms within Medicare. We must provide meaningful prescription drug coverage and reforms to Medicare for seniors, both today and tomorrow.

APPLAUDING THE SUPREME COURT ON AFFIRMATIVE ACTION RULINGS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to applaud the Supreme Court on its rulings on the University of Michigan affirmative action cases. The rulings indicate to the entire Nation that the Supreme Court believes in the basic premise behind affirmative action: to create opportunities for minorities and to eliminate discrimination.

Affirmative action programs have been successful in increasing the racial, ethnic, and gender diversity of many educational and workplace settings throughout the United States. Affirmative action has also been shown to provide a boost to the Nation's economy.

A recent study by the Educational Testing Service argued that diversity was one of the engines that drove the United States' economy. It showed that if African American and Hispanic workers were represented at colleges and universities in the same proportions as other 18- to 24-year-olds, the United States' wealth would increase by $231 billion a year, and annual tax revenues would increase by $80 billion. Why? Because it gives hope to blighted and forgotten areas of our Nation, and it improves trade and commerce worldwide.

This goes to show that by promoting adequate funding for kindergarten through twelfth grade education in underserved areas and promoting diversity in higher education in the workplace, our economy will improve.

TRIBUTE TO BOB STUMP

(Mr. SHADEGG asked and was given permission to address the House for 1 minute.)

Mr. SHADEGG. Mr. Speaker, last Friday the Nation lost a distinguished public servant. Bob Stump humbly and admirably served his country and represented Arizona for nearly 60 years.

His service began as a Navy medic during World War II and continued in Arizona in the State legislature and then here in the United States House of Representatives. From his Stetson hat down to his dusty leather boots, Bob personified the independence and western congeniality of Arizona. The soft-spoken conservative was true to his beliefs and always represented his constituents with integrity and determination.

Like so many courageous young men of his time, Bob enlisted in the Navy at the age of 16, too young to legally do so, in the midst of the second world war. He was elected to Congress in 1976 and, drawing on his military experience, Bob established himself as the preeminent champion for active military personnel and veterans.

His insight and knowledge on issues landed him the chairmanship of the House Committee on Veterans Affairs in 1995, and then in 2000, the chairmanship of the House Committee on Armed Services. Even still, he never let the power go to his head. He was one of the few Congressman, indeed probably the only committee chairman, to personally answer his office telephone.

I looked to Bob Stump on so many issues. His advise was always thoughtful, solid, and consistent. He was the dean of our delegation, and I will sorely miss his leadership and friendship.

Mr. Speaker, for more than 25 years, he served this body with dignity and earned the admiration of not only myself, but of every Member of this House. He possessed the unwavering reliability and good judgment not commonly found in the politics of today.

Bob remains with us in spirit as a model of devoted service to Arizona and the Nation. He is and always will be missed.

HOUSE TO SPEND $400 BILLION FOR FLAWED PRESCRIPTION DRUG PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, how can you spend $400 billion and not provide a decent Medicare prescription drug benefit? Well, it is an excellent question, but the Republicans have come up with a formula.

First, you underwrite the profits of the private insurance industry. Yes, there will be subsidies to the private insurance industry in this bill, trying to drive people out of Medicare; and you do that because they lost a bunch of money on crummy investments, and we have to help out their bottom line. Well, we can understand that; they are big campaign contributors.

Secondly, how else? Well, overall, number one, do nothing about the extortion it costs to prescription drugs in the United States. Do not allow the imports or the reimportation of American-manufactured drugs. Do not allow the people on Medicare to be organized into a group to drive down the price of these prescription drugs. No. Because actually, the pharmaceutical industry are bigger campaign contributors to the Republicans than the insurance industry. So we are going to spend $400 billion to provide a benefit nobody understands that is going to be pretty parsimonious.

We could do better. We could take on the pharmaceutical industry, and we can forget about giving a subsidy to the private insurance industry; and for $400 billion, we could provide a meaningful prescription drug benefit that seniors would enjoy and it would help with their health. But that is not where the majority is going in this House of Representatives.

PRESCRIPTION DRUG PLAN BURDENS FUTURE GENERATIONS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, adding prescription drugs to Medicare is one of the most unfair burdens that Congress and the President have placed on future generations in a long, long time.

I have 10 grandkids and now, for a Medicare program that is already broke, insolvent Congress is adding benefits. We are reaching into the general fund to pay for Medicare. Medicare and Social Security are going to be insolvent within the next 10 to 14 years.

Yet we are adding a new prescription drug burden to Medicare, moving into socialized medicine, and making my kids and 10 grandkids and everybody else's responsible to pay for seniors' drug prescriptions.

Actually, today's retiring seniors are probably the most wealthy and better off than any generation of Americans. Yet we are placing a burden on our kids, and young workers who are trying to save money to send their kids to college. We are placing a huge burden on my grandkids to pay off the debt. We are actually borrowing the money,

Mr. Speaker, to pay for this huge expansion in socialized medicine.

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PRESCRIPTION DRUG COVERAGE FOR SENIORS IN NEED

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is time to revise and reform Medicare. It is time to move us away from a government oriented, a Soviet model of socialism approach to health care for our senior citizens. We need a program that is light, a program that is solid, a program that is efficient, not one that is heavy with burdensome bureaucratic red tape.

We need to have a prescription drug benefit. We need to have one that does not just blanket us all with a brand new entitlement, one that does not necessarily worry about Ross Perots or some retiree from General Motors who already is getting it anyhow. But we need to help the widow out there who is choosing between tamoxifen for her breast cancer and rent for her home.

We want to help people stay independent. In 1965, when Medicare was conceived, the miracle drugs that are available to our seniors were not out there. They were not foreseen. Now we have drugs that enhance our life-style, that make us live longer and healthier and in less pain, and Medicare needs to adjust to this. That is what this bill is about that we will be voting on this week.

I am confident that we can take the best ideas of Democrat Party, the Republican Party, the Independents and move it out of this body, combine it with those in the other body and come up with a plan that is best for our seniors.

REMEMBERING ROBERT LEE STUMP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to Robert Lee Stump, former Congressman from Arizona and past chairman of the House Committee on Armed Services and Committee on Veterans' Affairs who died on Friday.

First elected to Congress as a Democrat, he became a Republican after Ronald Reagan assumed the presidency in 1981. It was truly an honor to serve as a member by me on the Committee on Armed Services under Chairman Stump's leadership. He was a man dedicated to the protection of the American people and peace in the world through a powerful military.

Bob Stump knew the only way to keep our forces strong was to take care of the soldier and his family both during service and retirement. He served in the Navy during World War II as a combat medic on Luzon, Iwo Jima, and Okinawa.

America has lost a great man and a true patriot, one of the finest statesman Arizona has ever produced. In conclusion, God bless our troops.

SENSIBLE MEDICARE REFORMS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as Congress this week considers the largest expansion of Medicare in 35 years, we should begin with the understanding that Medicare has actually cost the American taxpayers 7½ times in real dollars what it was projected to cost. And while the needs for some prescription drug for some seniors is very, very real, it is important also to recall that 76 percent of seniors in America today have prescription drug coverage.

I would offer that our reforms this week should be about focusing solutions at the point of the need. Let us help our seniors near the poverty level with urgent and sufficient prescription drug coverage. Let us reform Medicare so it will be there for the future without placing an undue burden on our children and grandchildren. Let us otherwise do no harm to the private sector foundation of the greatest health care system in the history of the world.

For all these reasons I will oppose a universal drug benefit in Medicare. By agreeing to a prescription drug benefit for all seniors rather than just those in need, Congress threatens our Nation's fiscal stability, our own private prescription plans, and the survival of our free market health care system.

One more massive Federal entitlement is, simply put, a prescription for disaster.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or yeas or nays are ordered, or on which the voted is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SMALL BUSINESS ADVOCACY IMPROVEMENT ACT OF 2003

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1772) to improve small business advocacy, and for other purposes, as amended.

The Clerk read as follows:

H. R. 1772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Advocacy Improvement Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Excessive regulations continue to burden the Nation's small businesses.

(2) Federal agencies continue to propose regulations that impose disproportionate burdens on small businesses.

(3) An independent office of small business advocacy will help to ensure that Federal agencies are responsive to small businesses and that those agencies comply with their statutory obligations with respect to small businesses.

(4) The independence of an office that acts as an advocate for small businesses is essential to ensure that it can serve as an effective advocate without being restricted by the views or policies of the Small Business Administration or any other Federal executive branch agency.

(5) To be effective an office that acts as an advocate for small businesses needs sufficient resources to conduct creditable economic studies and research which are necessary for the maintenance of small business databases and for the accurate assessment of the impact of regulations on small businesses, the role of small business in the Nation's economy, and the barriers to the growth of small businesses.

(6) The research, information, and expertise provided by an independent office of small business advocacy will be a valuable source of information and advice for Congress and Federal agencies with which the office will work on behalf of small businesses.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that there exists an entity that has the statutory independence and adequate financial resources to effectively advocate for and on behalf of small business;

(2) to require that such an entity report to the Chairmen and Ranking Members of the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate, and to the Administrator of the Small Business Administration in order to keep them fully and currently informed about issues and regulations affecting small business concerns and the necessity for corrective action by the regulatory agency or Congress;

(3) to provide a separate authorization for appropriations for such an entity; and

(4) to strengthen the role of the Small Business and Agriculture Regulatory Enforcement Ombudsman by ensuring continued cooperation between the Ombudsman and the Office of Advocacy of the Small Business Administration.

SEC. 3. APPOINTMENT OF CHIEF COUNSEL OF ADVOCACY.

(a) IN GENERAL.—Section 201 of Public Law 94–305 (15 U.S.C. 634a) is amended—

(1) by inserting ''(a)'' before ''There is established'';

(2) by striking the second sentence; and

(3) by adding at the end the following:

''(b) The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who should be appointed without regard to political affiliation and on the basis of fitness to perform the duties of the office.

''(c) No individual may be appointed under subsection (b) if such individual has served as an officer or employee of the Small Business Administration during the 5-year period

preceding the date of such individual's appointment.

''(d) An individual serving as Chief Counsel on the date of the expiration of any term of the President may not continue to serve as Chief Counsel for more than 1 year after such date unless such individual is reappointed after such date by the President, by and with the advice and consent of the Senate. The preceding sentence shall not apply in the case of the expiration of a term of an individual holding the office of President if such individual is elected to the office of President for a term successive to such term.''.

(b) INCUMBENT CHIEF COUNSEL FOR ADVOCACY.—The individual serving as the Chief Counsel for Advocacy of the Small Business Administration on the date of the enactment of this Act shall continue to serve in that position after such date in accordance with section 201 of Public Law 94–305 (15 U.S.C. 634a), as amended by this section.

SEC. 4. PRIMARY FUNCTIONS OF OFFICE OF ADVOCACY.

Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (6) by striking ''to minority enterprises'' and inserting ''to small business concerns owned and controlled by socially and economically disadvantaged individuals, to small business concerns owned and controlled by women, and to small business concerns owned and controlled by veterans'';

(2) in paragraph (7) by striking ''minority enterprises'' and inserting ''small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and small business concerns owned and controlled by veterans'';

(3) in paragraph (8) by striking ''minority and other small business enterprises'' and inserting ''small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and other small businesses'';

(4) in paragraph (9) by striking ''complete'' and inserting ''compete'';

(5) by striking paragraph (11);

(6) by redesignating paragraph (12) as paragraph (11);

(7) in paragraph (11) (as so redesignated)—

(A) by striking ''serviced-disabled'' and inserting ''service-disabled''; and

(B) by striking the period at the end and inserting ''; and''; and

(8) by adding at the end the following:

''(12) make such recommendations and submit such reports as the Chief Counsel determines appropriate to the President, to the Chairmen and Ranking Members of the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate, and to the Administrator of the Small Business Administration, with respect to issues and regulations affecting small businesses and the necessity for corrective action by any Federal agency or by Congress.''.

SEC. 5. ADDITIONAL FUNCTIONS.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) by inserting ''(a)'' before ''The Office of Advocacy shall also perform''; and

(2) in subsection (a) (as so designated)—

(A) in paragraph (4) by striking ''and'' at the end;

(B) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) maintain economic databases and make the information contained therein available to the Administrator of the Small Business Administration and to Congress;

''(7) carry out the responsibilities of the Chief Counsel under chapter 6 of title 5, United States Code; and

''(8) maintain a memorandum of understanding with the Small Business and Agriculture Regulatory Enforcement Ombudsman regarding methods and procedures for cooperation between the Ombudsman and the Office of Advocacy and transmit a copy of such memorandum to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.''.

(b) APPROPRIATION REQUEST.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is further amended by adding at the end the following:

''(b)(1) For each fiscal year, the Chief Counsel shall transmit the Office of Advocacy's appropriation estimate and request to the Office of Management and Budget, the Committee on Small Business of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

''(2) Each budget of the United States Government submitted by the President shall include a separate statement of the amount of appropriations requested for the Office of Advocacy.

''(3) Each such budget shall also include a statement indicating whether the proportion of the funds requested for the Office of Advocacy when compared to the funds requested for the Small Business Administration has increased, decreased, or stayed the same relative to the proportion of the amount appropriated for the Office of Advocacy for the previous fiscal year when compared to the amount appropriated for the Small Business Administration for the previous fiscal year.''.

SEC. 6. PRINCIPAL DEPUTY CHIEF COUNSEL AND REGIONAL ADVOCATES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended—

(1) by inserting ''(a)'' before ''In carrying out''; and

(2) by adding at the end the following:

''(b)(1) The Chief Counsel may appoint 1 individual to serve as Principal Deputy Chief Counsel.

''(2) The Principal Deputy Chief Counsel shall be paid at an annual rate not less than the minimum rate, nor more than the maximum rate, for the Senior Executive Service under chapter 53 of title 5, United States Code.

''(3) An individual appointed to a position under this subsection shall not be counted toward the limitation contained in subsection (a)(1) regarding the number of individuals who may be compensated at a rate in excess of the lowest rate for GS–15 of the General Schedule.

''(c) The Chief Counsel may appoint regional advocates within each Standard Federal Region as appropriate. Such regional advocates shall—

''(1) assist in examining the role of small business in the economy of the United States by identifying academic and other research institutions that focus on small business concerns and linking these research resources to research activities conducted by the Office of Advocacy;

''(2) assist in representing the views and interests of small business concerns before Federal agencies whose policies and activities may affect small business;

''(3) assist the functioning of regional small business fairness boards in coordination with the Small Business and Agriculture Regulatory Enforcement Ombudsman;

''(4) assist in enlisting the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government that are of benefit to small business concerns and the means by which small business concerns can participate in or make use of such programs and services; and

''(5) carry out such duties pursuant to the mission of the Office of Advocacy as the Chief Counsel may assign.''.

SEC. 7. OVERHEAD AND ADMINISTRATIVE SUPPORT.

Section 205 of Public Law 94–305 (15 U.S.C. 634e) is amended by inserting before ''Each department'' the following:

''(a) The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations of the Administration, together with such equipment, office supplies, communications facilities, and personnel and maintenance services as may be necessary for the operation of such offices.

''(b)''.

SEC. 8. REPORTS.

Section 206 of Public Law 94–305 (15 U.S.C. 634f) is amended by striking ''The Chief Counsel may'' and all that follows through ''on his activities.'' and inserting the following:

''(a) Not less than annually, the Chief Counsel shall submit to the President, the Committee on Small Business of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Government Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives, and the Administrator of the Small Business Administration a report on agency compliance with chapter 6 of title 5, United States Code.

''(b) In addition to the reports required by this title, the Chief Counsel may prepare and publish such other reports as the Chief Counsel determines appropriate.

''(c)''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of Public Law 94–305 (15 U.S.C. 634g) is amended by striking ''not to exceed $1,000,000'' and inserting ''$10,000,000 for fiscal years 2003 and 2004, $12,000,000 for fiscal year 2005, and $14,000,000 for fiscal year 2006''.

SEC. 10. CONFORMING AMENDMENTS.

(a) RURAL TOURISM TRAINING PROGRAM.—Section 311 of the Small Business Administration Reauthorization and Amendments Act of 1990 (15 U.S.C. 653 note; 104 Stat. 2832) is amended by striking ''Chief Counsel for Advocacy'' and inserting ''Administrator''.

(b) SMALL BUSINESS AND AGRICULTURE REGULATORY ENFORCEMENT OMBUDSMAN.—Section 30(b)(2) of the Small Business Act (15 U.S.C. 657(b)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(F) maintain a memorandum of understanding with the Office of Advocacy regarding methods and procedures for cooperation between the Ombudsman and the Office of Advocacy.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1772.

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

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Office of Advocacy of the Small Business Administration is unique within the executive branch. The main role of the Chief Counsel for Advocacy is to ensure that proposed regulations and policies do not unduly burden small businesses even if it means opposing part of the President's agenda. In the past, this independence has been put to the test.

The purpose of this legislation is to protect the Office of Advocacy from threats of funding cuts in order to enhance its independence. H.R. 1772 is nearly identical to legislation this House passed unanimously on May 21, 2002. In fact, H.R. 1772 is essentially a conference report agreed to with the other body last year, but unfortunately there was not enough time on the Senate floor to get this passed. The only differences between H.R. 1772 and the advocacy bill from last year is that there would be only one instead of two principal deputies at the Office of Advocacy and the rank of Chief Counsel is not elevated one level. However, the heart of this bill creating a separate budgetary line item for the Office of Advocacy is the same as last year.

To ensure that there are no games played with the Chief Counsel's budget, Congress will also get a sneak peek at the initial budget request he submits to the Office of Management and Budget before it becomes part of the President's official budget request. A separate budgetary line item is the top legislative priority for Tom Sullivan, the current Chief Counsel for the Office of Advocacy, and I am pleased to assist him in strengthening this office in moving this legislation.

I want to commend two of our subcommittee chairmen, the gentleman from Missouri (Mr. AKIN) and the gentleman from Virginia (Mr. SCHROCK) for championing this legislation on focus and other important priorities.

H.R. 1772 is one part of the overall solution to help reinvigorate our struggling small manufacturers battle unsound government regulations.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Office of Advocacy serves a critical role to our Nation's entrepreneurs. It is a lone voice in the executive branch making sure that our Federal agencies take a step back and consider the needs of small businesses.

By raising awareness, Advocacy ensures that our Federal government accomplishes its intended goals without unfairly burdening small businesses. Too often the needs of small businesses are forgotten in Washington and the demands of corporate America come first.

Small businesses simply do not have the resources to keep up with the complex and burdensome Federal policies that take a one-size-fits-all approach. The need for a voice for small businesses in the Federal Government is why Congress created the Office of Advocacy. Congress made sure that Advocacy could produce reports and submit views without review by OMB, the only entity within the administration that can do this.

This allows the Chief Counsel to review legislation and regulations and truly call them as he sees them. However, too often the important work of Advocacy is compromised. The unique role of Advocacy has made it a target of entities such as the Small Business Administration and the Office of Management and Budget. Over the years the Chief Counsel has had to weather the stormy relationship with these two entities as they have attempted to limit the voice of Advocacy through budget shortfalls and other measures.

Mr. Speaker, for Advocacy to be effective, it must be truly independent to carry out its duties. The Chief Counsel must be able to critique an administration's agencies without concerns that the one holding the purse can silence them.

I wish to commend the gentleman from Missouri (Mr. AKIN) and the gentleman from Virginia (Mr. SCHROCK) for their efforts in taking this difficult issue on. It is an arduous task to balance the right combination of fiscal autonomy and flexibility necessary for Advocacy to do its job effectively.

H.R. 1774 gives Advocacy a separate line item so that it is no longer subject to a SBA Administrator who designates the Chief Counsel's fund as his personal slush fund. While this is a noble attempt to address the challenges facing Advocacy, H.R. 1774 falls short. While creating a line item may limit some of the Small Business Administrator's ability to control funding, the bill creates new problems and might actually increase the ways that SBA and OMB can influence the Office of Advocacy. The proposal is going to increase the scrutiny and profile of Advocacy but offers no protections from these problems.

Under H.R. 1774, an SBA Administrator will continue to have tools to exert pressure on a Chief Counsel. Because Advocacy will remain housed in the Small Business Administration and will rely on the resources of the Administrator, SBA will have control over the operations of the Chief Counsel. Nothing in this legislation prevents the SBA from charging for such services or prevents it from offering subpar services.

This legislation also exposes Advocacy to a greater threat from OMB. In the budget process, there will be no barriers for OMB to cut funding to a Chief Counsel that is viewed as being overly critical. Under H.R. 1772, Advocacy's budget will stand on its own, thus simplifying OMB's ability to underfund its budget.

One cannot underestimate the incentives of the Office of Management and Budget to limit the voice of Advocacy. I ask, how can Advocacy be independent if one day the Chief Counsel is criticizing a President's prescription drug plan, for example, and the next day he has to request funding from the body charged with carrying out the President's agenda?

An unintended consequence of this legislation is also the negative impact that Advocacy could have on other Small Business programs. If Congress is looking to restore dollars to an underfunded Advocacy, its first target for offsets could be critical SBA programs. We must make sure that the Chief Counsel will have a fully staffed office and know that such funding is not coming at the expense of other Small Business Administration programs.

H.R. 1772 should be viewed as a starting point. As this proposal works its way through the legislative process, proper safeguards must be in place if we are to approve the final version. H.R. 1772 in its current form does not address all of the issues surrounding the independence problem. In some ways, it exposes the Chief Counsel to even greater influence. However, because of the importance of an independent Advocacy we must get this legislation moving.

I wish to thank the gentleman from Missouri (Mr. AKIN) for getting this process going and look forward to working with him and our other colleagues to make sure that we can create a more independent Office of Advocacy. As an engine behind this Nation's economy, our small businesses deserve it.

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

Mr. MANZULLO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. AKIN), the chairman of the Subcommittee on Workforce, Empowerment and Government Programs.

Mr. AKIN. Mr. Speaker, I thank the gentleman from Illinois (Mr. MANZULLO) for allowing me to take up the Advocacy improvement bill, H.R. 1772. I would also like to thank my friend, the gentleman from Virginia (Mr. SCHROCK), for working with me on this important piece of legislation.

The Office of Advocacy is essential to the elimination of federally imposed regulations that just do not make sense. It is a government entity that exemplifies public service at its best and it is devoted to ensuring that small businesses are not encumbered by regulatory burdens that cost time and money and energy but achieve little, if anything.

The Office of Advocacy sometimes faces opposition from Federal regulatory entities that dislike having their regulations modified or questioned, and yet the office has been tireless and a key voice for small businessmen and women confronting these large agencies to prevent them from imposing unnecessary rules and regulations on small businesses and family owned companies.

The legislation before us today will give more power to the SBA's Office of Advocacy to do its vital work. H.R. 1772 will, among other things, give the Office of Advocacy its own source of funding through a line item in the Federal budget, thus giving the office a more permanent and autonomous role that makes it less susceptible to budgetary bullying from some of the folks in the executive branch that might have been offended.

Many colleagues of mine from both sides of the aisle frequently hear praises from constituents on the exemplary job of the Office of Advocacy. H.R. 1772 will ensure that that office is empowered and protected and given the tools that it needs to continue doing such a commendable job. As we strengthen the Office of Advocacy, the small business owners and entrepreneurs throughout the country will be better served. The real concerns of small business owners will be heard more clearly and addressed more readily as soon as this bill is signed into law.

Mr. Speaker, I thank the chairman for his leadership on this important issue.

Mrs. CHRISTENSEN. Mr. Speaker, I have no speaker at this time. I reserve the balance of my time.

□ 1030

Mr. MANZULLO. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK), the chairman of the Subcommittee on Regulatory Reform and Oversight.

Mr. SCHROCK. Mr. Speaker, I thank the gentleman from Illinois for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 1772, the Small Business Advisory Improvement Act.

The gentleman from Missouri (Mr. AKIN) and I cosponsored this legislation to strengthen an important office that supports our Nation's small businesses.

I want to start by reading a few statistics: $843 billion, that is a B, that is the annual cost of regulations to Americans; $6,975, that is the average cost per employee of regulations to small businesses; 8.2 billion hours, billion with a B, this is the annual time taken away from family and productive work to comply with Federal paperwork requirements.

I hope that everyone recognizes what a great drain on the creative resources of our entrepreneurs this burden has become. All that money and all those hours are spent on doing things that have nothing to do with creating jobs or making a better life for that citizen and his or her family. What a great waste of our natural resources.

I want to share with my colleagues another statistic: $21 billion, that is with a B, $21 billion, that is the amount of money the SBA's Office of Advocacy helped save the small businesses of this Nation last year. We should do all we can to support an office that acts as independent advocate for small business within the Federal Government, especially when this office also saves taxpayers time and money.

This savings is created by the good men and women of SBA's Office of Advocacy who work tirelessly to monitor the regulators in the other agencies of the Federal Government. They inject sensitivity to the needs and concerns of small business in every rule-making that will impact them, and they train their regulators in how to better comply with laws that Congress has put on the books, like the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act.

I know that without the Office of Advocacy and their good work, small businesses would be filling out more forms that have nothing to do with their business, paying more to comply with Federal regulations and requirements, and spending less times with their families.

I have only been the chairman of the Subcommittee on Regulatory Reform and Oversight for a short time, but in that short time I have heard from a great many small business industries. They all believe that the Office of Advocacy is doing a tremendous job in helping to save small businesses money and save them from unnecessary regulatory burdens.

From the home builders to the florists, from microbusinesses to small manufacturers, they all seem to agree that the Office of Advocacy is a necessary safeguard for small businesses; and they strongly support making the office more independent.

Unfortunately, there have been times in the Office of Advocacy's history when its independence was threatened. Since its views are completely independent of the administration which it serves, it is often at odds with that administration. One example would be the previous administration's ergonomic rules, rules that would have caused small businesses endless amounts of money. That rule-making put the Office of Advocacy squarely in opposition to a rule that was being proposed by another agency and one that the residents of the last White House supported.

It is for circumstances like that that the office must have some degree of budgetary independence from the Small Business Administration to be able to remain independent.

Additional concepts in the bill like continued cooperation with the Office of National Ombudsman and greater oversight of agency compliance with regulatory flexibility statutes are more reasons to support H.R. 1772.

Mr. Speaker, I urge my colleagues to protect the private sector of our economy from unnecessary governmental burdens by passing this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself the balance of my time.

No one disputes the accomplishments and the importance of the Office of Advocacy. Just as the role of small business is more critical during an economic downturn, so is the need for an independent Office of Advocacy. To achieve the goal of independence, it needs a delicate balancing act.

As a voice of small business, the chief counsel is often in a difficult situation because his office is a part of the same Federal Government it has been charged with monitoring, and many of these bodies within the Federal Government have incentives to limit the chief counsel's effectiveness.

In our efforts to increase independence, we need to make sure that an SBA administrator can no longer meddle in the affairs of the Office of Advocacy. The chief counsel should be able to perform his or her role without having to look over their shoulder.

Legislation must strengthen the ability of advocates to speak out against all agencies, including the Office of Management and Budget. OMB must not be able to hold funding over the head of the chief counsel as a threat to fall in line with an administration.

Finally, in our efforts to solve this problem, we must not create new ones. We do not want a situation where we are robbing Peter to pay Paul. Advocacy funding must not come at the expense of Small Business Administration programs designed to help our Nation's small businesses. To do so would be a step backward for this Nation's small business.

I am confident that because of the bipartisan nature of this debate it will allow us to fashion a solution that gives advocacy the necessary freedom to operate. Today we have started that process, and I look forward to working with our colleagues to increase the voice of small business.

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

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

This is a good bill. It advances the cause of an independent Office of Advocacy. It enhances the budget. It makes the administration, whether Republican or Democratic, more responsive to the person who occupies the Office of Advocacy; and I would urge my colleagues for a ''yes'' vote.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 1772, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PREMIER CERTIFIED LENDERS PROGRAM IMPROVEMENT ACT OF 2003

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 923) to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve, as amended.

The Clerk read as follows:

H.R. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Premier Certified Lenders Program Improvement Act of 2003''.

SEC. 2. LOSS RESERVES OF PREMIER CERTIFIED LENDERS TEMPORARILY DETERMINED ON THE BASIS OF OUTSTANDING BALANCE OF DEBENTURES.

Paragraph (6) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is amended—

(1) by striking ''The Administration'' and inserting the following:

''(A) IN GENERAL.—The Administration''; and

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

''(B) TEMPORARY REDUCTION BASED ON OUTSTANDING BALANCE.—Notwithstanding subparagraph (A), during the 2-year period beginning on the date that is 90 days after the date of the enactment of this subparagraph, the Administration shall allow the certified development company to withdraw from the loss reserve such amounts as are in excess of 1 percent of the aggregate outstanding balances of debentures to which such loss reserve relates. The preceding sentence shall not apply with respect to any debenture before 100 percent of the contribution described in paragraph (4) with respect to such debenture has been made.''.

SEC. 3. ALTERNATIVE LOSS RESERVE PILOT PROGRAM FOR CERTAIN PREMIER CERTIFIED LENDERS.

(a) IN GENERAL.—Subsection (c) of section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended by adding at the end the following new paragraphs:

''(7) ALTERNATIVE LOSS RESERVE.—

''(A) ELECTION.—With respect to any eligible calendar quarter, any qualified high loss reserve PCL may elect to have the requirements of this paragraph apply in lieu of the requirements of paragraphs (2) and (4) for such quarter.

''(B) CONTRIBUTIONS.—

''(i) ORDINARY RULES INAPPLICABLE.—Except as provided under clause (ii) and paragraph (5), a qualified high loss reserve PCL that makes the election described in subparagraph (A) with respect to a calendar quarter shall not be required to make contributions to its loss reserve during such quarter.

''(ii) BASED ON LOSS.—A qualified high loss reserve PCL that makes the election described in subparagraph (A) with respect to any calendar quarter shall, before the last day of such quarter, make such contributions to its loss reserve as are necessary to ensure that the amount of the loss reserve of the PCL is—

''(I) not less than $100,000; and

''(II) sufficient, as determined by a qualified independent auditor, for the PCL to meet its obligations to protect the Federal Government from risk of loss.

''(iii) CERTIFICATION.—Before the end of any calendar quarter for which an election is in effect under subparagraph (A), the head of the PCL shall submit to the Administrator a certification that the loss reserve of the PCL is sufficient to meet such PCL's obligation to protect the Federal Government from risk of loss. Such certification shall be in such form and submitted in such manner as the Administrator may require and shall be signed by the head of such PCL and the auditor making the determination under clause (ii)(II).

''(C) DISBURSEMENTS.—

''(i) ORDINARY RULE INAPPLICABLE.—Paragraph (6) shall not apply with respect to any qualified high loss reserve PCL for any calendar quarter for which an election is in effect under subparagraph (A).

''(ii) EXCESS FUNDS.—At the end of each calendar quarter for which an election is in effect under subparagraph (A), the Administration shall allow the qualified high loss reserve PCL to withdraw from its loss reserve the excess of—

''(I) the amount of the loss reserve, over

''(II) the greater of $100,000 or the amount which is determined under subparagraph (B)(ii) to be sufficient to meet the PCL's obligation to protect the Federal Government from risk of loss.

''(D) RECONTRIBUTION.—If the requirements of this paragraph apply to a qualified high loss reserve PCL for any calendar quarter and cease to apply to such PCL for any subsequent calendar quarter, such PCL shall make a contribution to its loss reserve in such amount as the Administrator may determine provided that such amount does not exceed the amount which would result in the total amount in the loss reserve being equal to the amount which would have been in such loss reserve had this paragraph never applied to such PCL. The Administrator may require that such payment be made as a single payment or as a series of payments.

''(E) RISK MANAGEMENT.—If a qualified high loss reserve PCL fails to meet the requirement of subparagraph (F)(iii) during any period for which an election is in effect under subparagraph (A) and such failure continues for 180 days, the requirements of paragraphs (2), (4), and (6) shall apply to such PCL as of the end of such 180-day period and such PCL shall make the contribution to its loss reserve described in subparagraph (D). The Administrator may waive the requirements of this subparagraph.

''(F) QUALIFIED HIGH LOSS RESERVE PCL.—The term 'qualified high loss reserve PCL' means, with respect to any calendar year, any premier certified lender designated by the Administrator as a qualified high loss reserve PCL for such year. The Administrator shall not designate a company under the preceding sentence unless the Administrator determines that—

''(i) the amount of the loss reserve of the company is not less than $100,000;

''(ii) the company has established and is utilizing an appropriate and effective process for analyzing the risk of loss associated with its portfolio of PCLP loans and for grading each PCLP loan made by the company on the basis of the risk of loss associated with such loan; and

''(iii) the company meets or exceeds 4 or more of the specified risk management benchmarks as of the most recent assessment by the Administration or the Administration has issued a waiver with respect to the requirement of this clause.

''(G) SPECIFIED RISK MANAGEMENT BENCHMARKS.—For purposes of this paragraph, the term 'specified risk management benchmarks' means the following rates, as determined by the Administrator:

''(i) Currency rate.

''(ii) Delinquency rate.

''(iii) Default rate.

''(iv) Liquidation rate.

''(v) Loss rate.

''(H) QUALIFIED INDEPENDENT AUDITOR.—For purpose of this paragraph, the term 'qualified independent auditor' means any auditor who—

''(i) is compensated by the qualified high loss reserve PCL;

''(ii) is independent of such PCL; and

''(iii) has been approved by the Administrator during the preceding year.

''(I) PCLP LOAN.—For purposes of this paragraph, the term 'PCLP loan' means any loan guaranteed under this section.

''(J) ELIGIBLE CALENDAR QUARTER.—For purposes of this paragraph, the term 'eligible calendar quarter' means—

''(i) the first calendar quarter that begins after the end of the 90-day period beginning with the date of the enactment of this paragraph; and

''(ii) the 7 succeeding calendar quarters.

''(K) CALENDAR QUARTER.—For purposes of this paragraph, the term 'calendar quarter' means—

''(i) the period which begins on January 1 and ends on March 31 of each year;

''(ii) the period which begins on April 1 and ends on June 30 of each year;

''(iii) the period which begins on July 1 and ends on September 30 of each year; and

''(iv) the period which begins on October 1 and ends on December 31 of each year.

''(L) REGULATIONS.—Not later than 45 days after the date of the enactment of this paragraph, the Administrator shall publish in the Federal Register and transmit to the Congress regulations to carry out this paragraph. Such regulations shall include provisions relating to—

''(i) the approval of auditors under subparagraph (H); and

''(ii) the designation of qualified high loss reserve PCLs under subparagraph (F), including the determination of whether a process for analyzing risk of loss is appropriate and effective for purposes of subparagraph (F)(ii).

''(8) BUREAU OF PCLP OVERSIGHT.—

''(A) ESTABLISHMENT.—There is hereby established in the Small Business Administration a bureau to be known as the Bureau of PCLP Oversight.

''(B) PURPOSE.—The Bureau of PCLP Oversight shall carry out such functions of the Administration under this subsection as the Administrator may designate.

''(C) DEADLINE.—Not later than 90 days after the date of the enactment of this Act—

''(i) the Administrator shall ensure that the Bureau of PCLP Oversight is prepared to carry out any functions designated under subparagraph (B), and

''(ii) the Office of the Inspector General of the Administration shall report to the Congress on the preparedness of the Bureau of PCLP Oversight to carry out such functions.''.

(b) INCREASED REIMBURSEMENT FOR LOSSES RELATED TO DEBENTURES ISSUED DURING ELECTION PERIOD.—Subparagraph (C) of section 508(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(b)(2)) is amended by inserting ''(15 percent in the case of any such loss attributable to a debenture issued by the company during any period for which an election is in effect under subsection (c)(7) for such company)'' before ''; and''.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 508(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(b)(2)) is amended by striking ''subsection (c)(2)'' and inserting ''subsection (c)''.

(2) Paragraph (5) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is amended by striking ''10 percent''.

(d) STUDY AND REPORT.—

(1) IN GENERAL.—The Administrator shall enter into a contract with a Federal agency experienced in community development lending and financial regulation or with a member of the Federal Financial Institutions Examinations Council to study and prepare a report regarding—

(A) the extent to which statutory requirements have caused overcapitalization in the loss reserves maintained by certified development companies participating in the Premier Certified

Lenders Program established under section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e); and

(B) alternatives for establishing and maintaining loss reserves that are sufficient to protect the Federal Government from the risk of loss associated with loans guaranteed under such Program.

(2) TRANSMISSION OF REPORT.—The report described in paragraph (1) shall be transmitted to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate not later than 90 days after the date of the enactment of this Act.

(3) LIMITATION.—The amount of the contract described in paragraph (1) shall not exceed $75,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

The SBA's 504 Certified Development Company program provides small businesses with long-term, fixed-rate financing for the purchase of fixed assets such as land, buildings and equipment for business expansion purposes. The loans are made by CDCs, usually nonprofit corporations organized to contribute to the economic development of a particular community or region. The entire 504 program runs totally on user fees charged to small business borrowers. It does not receive an annual appropriation.

SBA has a Premier Certified Lender program that gives discretion to certain qualified CDCs to approve 504 loans subject to the borrower being eligible and the available loan authority. In return for this lower regulatory oversight, these premier CDCs must set aside more money in order to cover potentially bad loans than regular CDCs. Some premier CDCs believe that this amount of reserve is well beyond what is prudently required.

My good friend and colleague, the gentleman from California (Mr. DOOLITTLE), introduced H.R. 923 for the purpose of allowing premier CDCs to take a cue from the private sector by using a risk-based management approach to calculate the loan loss reserve requirements. I agree with this approach subject to certain conditions to protect the taxpayer and to ensure that no unintended consequences result from this change in policy such as higher loan fees. Our staffs have met to develop an acceptable compromise which unanimously passed the committee last month. I am pleased to present it to my colleagues before the full House today.

This bipartisan compromise creates a 2-year pilot program that permits qualified premier CDCs to use a risk-based approach to calculate their loan loss reserve requirements. In order to ensure that premier CDCs' loan loss reserves are sufficient to protect the taxpayer, the compromise establishes a Bureau of PCLP oversight within the Office of Lender Oversight at SBA. For those premier CDCs not in the new pilot program, they can withdraw from their loss such amounts that are in excess of 1 percent of their total outstanding loan balances. Finally, this compromise provides for a study to evaluate alternative loan loss reserve approaches.

H.R. 923 is about providing more liquidity and capital into the hands of small businesses without any additional cost to the taxpayer. I urge my colleagues to support H.R. 923.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today I rise in strong support of H.R. 923. This legislation is among the first steps that Congress will take this year to ensure that the Small Business Administration continues to serve the needs of our country's small businesses. I would like to thank the gentleman from California (Mr. DOOLITTLE) for bringing this important bill to the Committee on Small Business's attention.

This legislation will allow certified development companies to make more loans to small businesses while safeguarding the interests of our taxpayers. This is good for the government and good for small business, the driver of this Nation's economy.

Even though access to capital is access to opportunity for small businesses, many find it difficult to get funding, especially given the current lending environment. The SBA's lending program addresses this by providing a vital stream of funding to small businesses. Last year, these programs supplied $21 billion in capital, accounting for 40 percent of all long-term small business lending to this country's entrepreneurs.

Among SBA's loan programs, the 504 program provides the best value to taxpayers because it is completely self-funded. While the 504 program requires no funding, it contributes substantially to the economic growth of our communities. Given the weak state of our economy, the 504 program is especially important now because it promotes investment where we need it most, in the small business sector.

Yet capital remained elusive to many small businesses because the SBA, in many cases, took too long to make these loans and the process was too complicated. Since the SBA processing time for 504 applications can frequently approach 30 days, borrowers and lenders were deterred from participating.

In response to this, Congress created the Premier Certified Lender program. Through this public-private partnership, certified development companies are permitted to process their 504 loans without SBA approval. In exchange for this autonomy, SBA requires the certified development companies to assume responsibility for some of the losses associated with the loans they make.

While the Premier Certified Lender program addresses one problem, it created another by requiring the certified development companies to hold loan loss reserves in excess of amounts necessary to protect the government. These excess funds could serve a much better purpose, like being used to make loans for small business, the number one job creator in the United States, instead of sitting in a ledger helping no one at all.

To address these issues, today we are creating a pilot program that will permit the certified development companies to maintain loan loss reserves sufficient to protect the government and to draw out those amounts that are held in excess of such purposes. In order to oversee this new program, we are creating a new bureau within SBA.

By creating a system that frees up these funds, certified development companies will then be able to make more loans to small businesses, which is exactly what this Nation needs in a time of such economic uncertainty. Economic recovery is only within reach if small businesses are able to start up and grow, and this is impossible without capital.

H.R. 923 takes the important first steps to modernize the 504 program and, in doing so, increases small businesses' ability to secure much-needed capital.

Mr. Speaker, I urge the adoption of this legislation.

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

Mr. MANZULLO. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DOOLITTLE), my good friend and colleague, the author of the bill.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their remarks. I very much appreciate the support that they have given me on this bill and the cooperation that we have had from their staffs. I would like to acknowledge the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, as well.

Indeed, the explanation for what this bill does has been clearly articulated by both our previous speakers and so I will choose not to repeat that, Mr. Speaker; but I have a statement which I will submit for the RECORD.

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I feel that this bill, as was explained by our previous speakers, will actually

do something to help stimulate the economy. The Premier Certified Lenders Program is an excellent program. It has been unnecessarily tied down by the problem with the requirements about the loan loss reserves. This bill, as was explained, creates a risk-based approach to loan loss reserves with sufficient safeguards and monitoring to make sure that everything is going along as we would wish it to.

In the process, however, a tremendous amount of funds will be freed up that will be used to make loans to small businesses, and as we know, as this process unfolds, that will result in the employment of more people and the generation of more capital and will trigger, indeed, the very process that we need to have happen in order to make this a more vibrant and stronger economy.

Mr. Speaker, I rise today in support of H.R. 923, the Premier Certified Lenders Program Improvement Act, legislation I introduced in February.

Over the past few years, I have had an opportunity to learn of the outstanding work that certified development companies are doing across the county and in my district, in particular. CDCs participating in the Premier Certified Lenders Program are providing thousands of loans to small businesses and helping these businesses to create jobs and wealth.

As my colleagues know, small businesses are the economic backbone of our Nation. Nearly one in four American households are either starting a business, presently owning a a business, or investing in someone else's business. Our economy depends on entrepreneurs whose spirit result in the creation of both new businesses and new jobs.

I think the best policy our government can pursue to help small businesses in this country is to get out of their way. Unshackle the American spirit from high taxes and burdensome regulations, Mr. Speaker, and we shall witness tremendous job creation and economic growth. If the government seeks to help small businesses, it should remove regulatory hurdles and provide incentives for entrepreneurs.

One successful example of government encouragement of small business expansion is the Premier Certified Lenders Program PCLP. This program was established in 1997 and allows a participating Certified Development Company, CDC, the expanded authority to review and approve SBA 504 Loan requests and to foreclose, litigate, and liquidate SBA 504 Loans made under the Program. By taking on this authority, the private sector is able to stretch limited Federal resources in order to help more small businesses.

Unfortunately, current law requires premier certified lenders to deposit and maintain 1 percent of each debenture issued in a loan loss reserve fund, from which they are to reimburse the Small Business Administration, SBA, for 10 percent of any loss. Premier certified lenders must maintain that deposit throughout the life of the loan, even as the loan matures, the debenture is paid down, and the risk is reduced.

This requirement has resulted in the accumulation of unnecessarily high loan loss reserve funds for some premier lenders. In addition, it has deterred additional premier certified lenders from participating in the program at all.

Mr. Speaker, my bill simply allows these premier lenders the option of creating risk-based loan loss reserves. It includes several safeguards to ensure that these companies do not make bad loans and put Federal taxpayers at risk. Specifically, premier certified lenders must maintain no less than $100,000 in their loan loss reserve funds; they must employ 3rd-party auditors to review their reserve funds on a quarterly basis; their auditors must be approved by the SBA; and the PCL must meet SBA performance benchmarks to retain their eligibility to hold risk-based loan loss reserve funds.

Mr. Speaker, I want to sincerely thank Mr. MANZULLO, my friend and the Chairman of the Small Business Committee, for working with me to get the bill to this point. I also want to thank the Ranking Member, Ms. VELÁZQUEZ for her valuable input, and Mrs. CHRISTENSEN for representing Ms. VELÁZQUEZ on the floor today. Finally, I want to express my gratitude to the Chairman's and Ranking Member's staff, as well as my staff, for putting in so much time and energy into this effort.

I encourage my colleagues to support our Nation's small businesses by supporting this important legislation.

Mr. Speaker, I very much appreciate the bipartisan cooperation we have had on this, and I urge the passage of the bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me first of all thank the gentlewoman from the Virgin Islands for yielding me this time. I also want to commend the chairman, the gentleman from Illinois (Mr. MANZULLO), and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for bringing this legislation to the floor and getting us to this point.

When we talk about small businesses and we talk about the development of small business, one of the primary problems that people face is finding enough money to actually get a business off the ground, keep it going, keep it moving, have enough capital to actually carry the business on until they reach the point where they have the kind of cash flow and they have the kind of returns that they know they need in order to be stable and keep being successful. This PCLP Improvement Act helps to do all of that. It helps to make capital available and it gives people assistance to acquire what they actually need.

While it is true, Mr. Speaker, that some of the best things in life are free, I remember the song that says ''But you can give it to the birds and bees, what I need is money.'' And what small businesses need is capital to help them grow, develop and flourish. This legislation helps to do that.

Again I commend Chairman MANZULLO, my colleague from Illinois, and the ranking member for bringing this to the floor.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, small businesses today face many barriers to achieving their success. Today's legislation helps address one of the most significant barriers faced by small businesses: Access to capital. The bill before us today will make more capital available to small businesses, spurring economic development in our Nation's communities.

While today's legislation fixes a problem with the 504 program, it is only a stopgap measure. Even after we pass this legislation, small businesses will still have to endure SBA's inconsistent and bureaucratic 504 loan processing procedures. As such, today's legislation is the first of several near-term steps to centralize, streamline, and modernize the 504 program so that it is better able to meet the needs of our small businesses. First among these steps is this year's SBA reauthorization, in which we will address many of these deficiencies in order to help our country's small businesses access capital more readily.

Mr. Speaker, I would like to take this moment to thank Adam Minehardt, a Democratic staff member of the Committee on Small Business, and Greg Orlando, a staff member for the gentleman from California (Mr. DOOLITTLE), for their work on this important legislation. I also wish to thank the gentleman from California (Mr. DOOLITTLE) once again for bringing it to the committee, and our chairman and ranking member for their leadership on this bill and all the others we have worked on this year. This bill is truly a bipartisan product and the work reflects that spirit.

Mr. Speaker, I again urge the adoption of this legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to offer my support for H.R. 923, the Premier Certified Lenders Program Act of 2003.

Mr. Speaker, small business owners all over this nation have long been faced with a number of hurdles that limit their ability to be successful. Health care costs have risen at an astronomical rate, Federal regulations are being issued that establish competitive advantages for large firms, and, perhaps most importantly, access to capital is extremely limited.

In an attempt to address concerns about small business financing issues, 3 years ago Congress established the Premier Certified Lenders Program (PCLP) as a permanent Small Business Administration program.

The PCLP delegates substantial authority and autonomy to selected Certified Development Companies (CDCs) participating in the Small Business Administration's 504 Loan Program to offer long-term, fixed-rate financing for major fixed assets such as land and buildings.

My district is home to a CDC, the Long Beach Area Certified Development Corporation, and it serves the Cities of Long Beach, Signal Hill and Southern Los Angeles County. Ms. Regina Grant Peterson does an excellent job in reaching out to my constituents, doing all she can to promote economic development in the community.

Currently, because of antiquated laws, CDCs participating in the PCLP must keep financial reserves in excess of what is actually necessary to safeguard against potential losses, and are not allowed to withdraw from these reserves until loans are paid in full.

This severely limits the lending potential of these entities, costing small businesses nationwide millions of dollars in unused capital.

H.R. 923 addresses this issue by allowing participating lenders to withdraw from their loan loss reserves attributable to the payment of principal on outstanding loans.

In addition, the legislation would also create a Bureau of Lender Oversight within SBA that will oversee the calculation of loan loss reserves, thereby insuring that government monies are used appropriately.

Mr. Speaker, as a Ranking Member of the Small Business Committee, I enthusiastically support this measure, and I support its swift passage.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 923, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MANZULLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HOMELAND SECURITY TECHNICAL CORRECTIONS ACT OF 2003

Mr. COX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1416) to make technical corrections to the Homeland Security Act of 2002, as amended.

The Clerk read as follows:

H.R. 1416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Technical Corrections Act of 2003''.

SEC. 2. TECHNICAL CORRECTIONS RELATING TO CRITICAL INFRASTRUCTURE INFORMATION.

Section 212(3) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 131(3)) is amended by striking ''systems—'' and inserting ''systems insofar as such information pertains to—''.

SEC. 3. VISA ISSUANCE.

Section 428(a) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 236(a)) is amended—

(1) by striking ''subsection,'' and inserting ''section,''; and

(2) by striking ''office'' and inserting ''officer''.

SEC. 4. RESPONSIBILITIES OF UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.

Section 502 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 312) is amended by striking ''shall include—'' and inserting ''shall be responsible for—''.

SEC. 5. MILITARY ACTIVITIES OF THE COAST GUARD.

Section 876 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 456) is amended to read as follows:

''SEC. 876. MILITARY ACTIVITIES.

''Nothing in this Act confers on the Secretary any authority over warfighting, the military defense of the United States, or other military activities that are authorized to be directed by the Secretary of Defense. This Act shall not be construed to limit the existing authority of the Secretary of Defense over warfighting, the military defense of the United States, or other military activities, including such activities of the Coast Guard when it is operating as a service in the Navy under section 3 of title 14, United States Code.''.

SEC. 6. ANNUAL INDEPENDENT EVALUATION OF INFORMATION SECURITY PROGRAM AND PRACTICES OF AGENCIES.

Section 3535(b)(1) of title 44, United States Code, is amended by inserting ''or any other law'' after ''the Inspector General Act of 1978''.

SEC. 7. IMMIGRATION-RELATED POWERS AND DUTIES OF THE SECRETARY AND THE ATTORNEY GENERAL.

(a) IN GENERAL.—Section 1102 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2273) is amended—

(1) in the matter preceding paragraph (1), by striking ''as amended by this Act, is further amended by—'' and inserting ''is amended—'';

(2) by amending paragraph (1) to read as follows:

''(1) by amending the section heading to read as follows:

'''POWERS AND DUTIES OF THE SECRETARY OF HOMELAND SECURITY AND THE ATTORNEY GENERAL''';

(3) by amending paragraph (2)(D) to read as follows:

''(D) by redesignating the paragraph (8) added by section 372(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the paragraph (9) added by section 373 of such Act, as paragraphs (10) and (11), respectively; and''; and

(4) in the matter added by paragraph (3)—

(A) by striking ''the Immigration Reform, Accountability and Security Enhancement Act of 2002.'' and inserting ''the Homeland Security Act of 2002.''; and

(B) by striking ''this section'' and inserting ''this subsection''.

(b) CONFORMING AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) SECTION 103.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) by striking ''He'' and inserting ''The Secretary of Homeland Security''; and

(II) by striking ''of the Service.'' and inserting ''of the Department of Homeland Security relating to the powers, functions, and duties conferred upon the Secretary by this Act and all other laws relating to the immigration and naturalization of aliens.'';

(ii) in paragraph (3)—

(I) by striking ''He'' and inserting ''The Secretary of Homeland Security'';

(II) by striking ''he deems'' and inserting ''the Secretary deems''; and

(III) by striking ''his authority'' and inserting ''the Secretary's authority'';

(iii) in paragraph (4)—

(I) by striking ''He'' and inserting ''Except as otherwise provided by law, the Secretary of Homeland Security'';

(II) by striking ''the Service or the Department of Justice'' and inserting ''the Department of Homeland Security''; and

(III) by striking ''employee of the Service.'' and inserting ''employee of the Department.'';

(iv) in paragraph (5)—

(I) by striking ''He'' and inserting ''Except as otherwise provided by law, the Secretary of Homeland Security'';

(II) by striking ''in his discretion,'' and inserting ''in the Secretary's discretion,''; and

(III) by striking ''such number of employees of the Service as to him shall appear necessary and proper.'' and inserting ''such number of employees of the Department of Homeland Security as shall appear necessary and proper to the Secretary.'';

(v) in paragraph (6)—

(I) by striking ''He'' and inserting ''The Secretary of Homeland Security''; and

(II) by striking ''of the Service.'' and inserting ''of the Department of Homeland Security.'';

(vi) in paragraph (7)—

(I) by striking ''He'' and inserting ''The Secretary of Homeland Security'';

(II) by striking ''of the Service'' each place such term appears and inserting ''of the Department of Homeland Security'';

(III) by striking ''he may,'' and inserting ''the Secretary of Homeland Security may,''; and

(IV) by striking ''in his judgment'' and inserting ''in the Secretary's judgment'';

(vii) in paragraph (8), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(viii) in paragraph (10) (as redesignated by section 1102 of the Homeland Security Act of 2002)—

(I) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(II) by striking ''of the Service.'' and inserting ''of the Department.''; and

(ix) in paragraph (11) (as so redesignated)—

(I) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(II) by striking ''by the Service'' each place such term appears and inserting ''by the Department'';

(B) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(C) by amending subsection (c) to read as follows:

''(c) The Secretary of Homeland Security may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.'';

(D) in subsection (d), by striking ''The Commissioner,'' and inserting ''The Secretary of Homeland Security,'';

(E) in subsection (e)—

(i) by striking ''The Commissioner'' and inserting ''The Secretary of Homeland Security''; and

(ii) by striking ''district office of the Service'' and inserting ''field office of the Department of Homeland Security''; and

(F) in subsection (f)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''of the Immigration and Naturalization Service'' and inserting ''of the Directorate of Border and Transportation Security of the Department of Homeland Security''; and

(iii) by striking ''the functions of the Service,'' and inserting ''the functions of the Directorate,''.

(2) SECTION 287(g).—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by striking ''Attorney

General'' each place such term appears and inserting ''Secretary of Homeland Security''.

(c) CLERICAL AMENDMENTS.—

(1) HOMELAND SECURITY ACT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 1103 the following:

''Sec. 1104. Effective date.''.

(2) IMMIGRATION AND NATIONALITY ACT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 103 to read as follows:

''Sec. 103. Powers and duties of the Secretary of Homeland Security and the Attorney General.''.

(d) CONSTRUCTION.—The amendments made by this section shall not be construed to repeal, or limit the applicability of, section 456, 462(e), 1512(d), or 1517 of the Homeland Security Act of 2002, or any other similar provision pertaining to the treatment of references in law, with respect to any provision of law that is not amended by this section.

SEC. 8. EFFECTIVE DATE OF MODIFICATIONS TO REORGANIZATION PLAN.

Section 1502(d) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 542(d)) is amended by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''.

SEC. 9. REPORT ON WAR RISK INSURANCE FOR AIR CARRIERS.

Section 1204 of the Homeland Security Act of 2002 (116 Stat. 2287) is amended—

(1) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and by moving the text of such paragraphs 2 ems to the left;

(2) in the matter preceding paragraph (1) (as so redesignated) by striking ''Secretary'' and inserting ''Secretary of Transportation''; and

(3) in paragraph (3) (as so redesignated) by striking ''Department'' and inserting ''Department of Transportation''.

SEC. 10. AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

Section 1405(a) of the Homeland Security Act of 2002 (116 Stat. 2307) is amended by striking ''section 6 of this Act'' and inserting ''section 1406 of this Act''.

SEC. 11. REQUIREMENT TO SUBMIT REPORTS AND NOTIFICATIONS TO SELECT COMMITTEE.

(a) REQUIREMENT.—The Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after section 4 the following:

''SEC. 5. REQUIREMENT TO SUBMIT REPORTS AND NOTIFICATIONS TO SELECT COMMITTEE ON HOMELAND SECURITY.

''In any case in which a report or notification is required by this Act or an amendment made by this Act to be submitted to the Congress or to a Committee of the Congress, such report shall also be submitted to the Select Committee on Homeland Security of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 4 the following:

''Sec. 5. Requirement to submit reports and notifications to Select Committee on Homeland Security.''.

SEC. 12. CLARIFICATION OF REPORTING REQUIREMENT CONCERNING ELECTRONIC COMMUNICATIONS PRIVACY ACT EMERGENCY DISCLOSURE EXCEPTION.

Section 225(d)(2) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2157) is amended by striking ''2702(b) of title 18, United States Code,'' and inserting ''2702(b)(7) of title 18, United States Code (as added by paragraph (1)(D)),''.

SEC. 13. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of the Homeland Security Act of 2002 (Public Law 107–296).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

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

Mr. COX. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank my friend, the gentleman from Texas (Mr. TURNER), the ranking minority member of the Select Committee on Homeland Security, and the rest of the committee members for devoting their time and energy to the important work of this committee. I rise today in support of H.R. 1416, which amends the Homeland Security Act.

Mr. Speaker, the broad bipartisan support given to this bill exemplifies the collaborative nature of our committee. This committee is united in its mission to provide aggressive oversight of the Department of Homeland Security and to ensure the full implementation of the Homeland Security Act. When President Bush called on Congress to create the Department of Homeland Security last year, the goal was to create a more secure America. By putting one department in charge of scores of agencies and programs, we can better protect our country, we can protect our critical infrastructure, and, most importantly, we can protect the American people.

Congress proved it was up to the challenge. In a display of bipartisan cooperation, in only 5 months Congress delivered to the President's desk for signature the 187-page Homeland Security Act of 2002. This law authorized the most comprehensive reorganization of the Federal executive branch since the creation of the Department of Defense in 1947. The act clearly laid out goals of the Department of Homeland Security: The prevention of another terrorist attack, the protection of our critical national infrastructure, and preparedness in the event we cannot prevent attacks on our domestic territory.

Key to this is our ability to collect, analyze and use timely and accurate intelligence information. This lies at the heart of the primary mission of preventing another terrorist attack. What we do not know empowers our enemies, but what we do know will help defeat them. By properly understanding the threats that confront us, we can better allocate our resources, and we can focus our security efforts where they are most needed, where the risks and potential consequences of attacks are greatest.

The Department of Homeland Security must analyze information quickly and reliably so that it can martial its own resources as needed and, more importantly, it must also transmit that information to those on the front lines, our State and local law enforcement and first responders, who protect us and our critical infrastructure.

The Homeland Security Committee has been overseeing the Department's early efforts to achieve this critical intelligence capability mandated by the Homeland Security Act and we will continue to do so. This committee and the Department of Homeland Security are also working together to ensure that a comprehensive security plan is in place to make the best use of intelligence. Critical elements of this security plan include a layered defense, effective border security, thorough passenger and baggage screening at America's airports, and a rigorous inspection process to keep would-be terrorists and their weapons out of the country.

Our first responders must also have the best information about pending threats as well as the training and the tools to respond to any disasters if they were to occur. The Homeland Security Act laid out a vision of a more secure America, which is now being realized through the efforts of the Department of Homeland Security working in concert with other Federal agencies, State and local governments, private industry, charitable organizations, community centers, and private citizens. Secretary Ridge and his staff are working diligently to coordinate these efforts and to complete this mission, a mission that is as difficult as it is important. I thank Secretary Ridge for his leadership and for being willing to work very closely with the Homeland Security Committee in the House during the act's implementation.

The legislation we are considering today is in itself an important aspect of the act's implementation. Congress' desire to expedite the creation of this important department meant that minor errors were made and certain details were omitted from the Homeland Security Act. As a result, my fellow Members and I felt that one of the first orders of business of the Homeland Security Committee in the current Congress should be to honor the original intentions of the drafters by making certain corrections to the act so that it can be properly implemented. Today's legislation successfully fills in the cracks created by the speedy construction of the Homeland Security Act and strengthens the legislation which is already helping the United States win the war on terror.

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

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1416, the Homeland Security Technical Corrections Act, and I first want to thank the chairman, the gentleman from California (Mr. COX), for

his leadership of our new Select Committee on Homeland Security.

The legislation before us is a product of the bipartisan cooperation that we have on that committee. It has been a pleasure to work with the chairman. I know that all of our members who serve on that important select committee feel the same dedication that the chairman and I do to accomplishing the task of protecting America and to do it in a way that moves us forward in a more rapid and stronger way.

The select committee, of course, has been in business for just a few months, and no business is more important than the work of the House Select Committee on Homeland Security. We have quickly discovered that when it comes to doing all we can to protect America, our needs are indeed very great.

Mr. Speaker, we are, as we all know, involved in a great struggle: The war against international terrorism. It is not a war we sought, it is not a war we started, but it is a war that we must and we will finish. Mr. Speaker, we must move faster in some very critical areas. We must do a better job in determining how to meet the threat posed by international terrorism.

The testimony before our committee from some high officials in the Department of Homeland Security revealed to us that there are only 21 analysts matching intelligence on threats with our vulnerabilities and then recommending protective action. This critical area of the Department of Homeland Security, the responsibility which is housed within the Office of Information Analysis, has been the subject of scrutiny by our select committee, and both sides of the aisle have expressed concern about the lack of full functioning of that particular entity, which in many ways is the nerve center of the Department of Homeland Security.

It is perhaps the most important new addition that this Congress provided in the Homeland Security Act of 2002, to place within that department the responsibility for gathering the threat information and matching it against our vulnerabilities, and then using that information to direct the entire activities of the 22 agencies that were merged into that new department, and to further take that information, of matching threat against vulnerability, and providing it to our States and our local entities so that they will know how to protect their communities against the threat of terrorism.

We also learned in our committee, during a hearing on Project BioShield, that this very same Office of Information Analysis has to date only one, only one person dedicated to responding to the bioterrorist threat. Our committee, in a bipartisan hearing, shared our mutual concern for the failure to get that particular activity within that Office of Information Analysis functioning in a way that it must function in order to carry out the purpose and intent of the Project BioShield legislation that we will be considering on this floor in just a few days.

□ 1100

Mr. Speaker, I believe it is clear that all of us understand that we must move faster to ensure that this critical function of this Department is in place, up and running as soon as possible. It has become very clear that we as a Nation need to make the same commitment to the protection of our homeland as we made to securing victory in Afghanistan and Iraq. This Congress made sure that our 220,000 troops that fought in Operation Iraqi Freedom were supported by the best equipment and training in the world; and the cost of that battle, according to the appropriations made by this body, will approach $65 billion.

Today, to secure America from the threat of terrorism, the Coast Guard has plans to review security for 4,400 port facilities and over 10,000 ships that enter our waters, and yet this Congress has yet to make the commitment to make sure that the funds are there to get the threat assessments done that are required to carry out that important responsibility. We must move faster.

Today we have only one person on guard for every 16 miles on our northern border. The PATRIOT Act called for the tripling of our forces on our northern border to close the gaps on our northern frontier. The resources have not yet been committed to deploy the 1,800 border personnel needed to enhance our security. We must do better, and we must move faster.

Today, we know that half of the firefighters' shifts across our Nation that will be the first called upon to respond to a terrorist attack lack the necessary communications equipment to deploy in the field so as to be able to talk to one another and to the other agencies that would be responding in the event of a terrorist attack. We must do better, and we must move faster.

Mr. Speaker, we have many challenges ahead of us, but I am confident that this legislation is but a first step in moving us forward as a Nation to be sure that we do everything necessary to be sure that every American can know that they will be safe and secure in their communities.

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

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), the chairman of the Subcommittee on Borders and Infrastructure.

Mr. CAMP. Mr. Speaker, I rise in support of H.R. 1416, the Homeland Security Technical Corrections Act of 2003. This bipartisan bill makes grammatical and technical changes to the Homeland Security Act of 2002.

The Department of Homeland Security, the product of the Homeland Security Act, has existed for a little more than 100 days. The Homeland Security Act brought together a number of Federal agencies with homeland security functions into one collaborative effort, joining resources, information and missions to defend our Nation.

Protecting our Nation from attack requires strengthening our border defenses. We must know who and what is passing through our country. The American people deserve this level of security. Utilizing technology advancements, we can monitor individuals and intelligently screen cargo without delaying legitimate trade and travel. Cross-border commerce is critical to the American economy. Trade with Canada and Mexico, our country's top trading partners, is growing at a rapid pace with almost $1.4 billion crossing the northern border every day; and with more than $250 billion in trade per year with Mexico, our Nation cannot lose sight of the vital importance of the uninterrupted flow of trade as new policies for border security are pursued. Security and commerce are not mutually exclusive goals.

Since the Department of Homeland Security was officially created, coordination between border security agencies has definitely improved. Twenty-four hours a day, American citizens are patrolling our borders, searching cargo, and checking individual travelers. This is not new since September 11, 2001; however, we are now acutely aware of the threat to our Nation and people and have stepped up our response by uniting our security functions. As the new Department continues integrating and organizing, there are certain areas that the Federal Government needs to address.

As chairman of the Subcommittee on Border and Infrastructure of the Select Committee on Homeland Security, I look forward to working with the gentleman from California (Mr. COX) and the Department of Homeland Security to address security along our Nation's borders, over 300 ports of entry, and to better protect our critical infrastructure. As Congress continues to assist the new Department in meeting obligations in the act, I would like to thank the gentleman from California (Mr. COX) for bringing this technical corrections bill to the floor and for his leadership, and reiterate my support for H.R. 1416.

Mr. TURNER of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), who is the ranking member of the Subcommittee on Borders and Critical Infrastructure.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about H.R. 1416, the Homeland Security Technical Corrections Act. I would like to commend our chairman, the gentleman from California (Mr. COX), for his leadership and stewardship, and also, of course, the gentleman from Texas (Mr. TURNER) for the stewardship that they have on this new Select Committee on Homeland Security and for their efforts to push this bill and to get it included on the suspension calendar.

H.R. 1416 is a historic bill because it is the first bill that our committee, the Select Committee on Homeland Security, will do. I trust that it is going to be the first of many bills that this committee will work on in a very bipartisan manner as we continue to tackle the many difficult issues surrounding homeland security.

Over the last month, members of our committee worked very diligently to look at the oversight function through a number of informative hearings and briefings. Unfortunately, however, the message is all too often the same: the Department of Homeland Security is not moving fast enough to fill the gaps that exist in so many areas of homeland security.

H.R. 1416 comes to the floor on the heels of a select committee delegation trip and field hearing in Southern California just this past weekend. The hearing focus was on one specific aspect of homeland security, port security. Our ports are one of the most vulnerable threat risks in our Nation, and we need to provide the means and resources for adequate security.

Every year, more than 4 million cargo containers accounting for 35 percent of all the U.S. international trade passes through the ports of Los Angeles and Long Beach. Over the weekend we saw for ourselves just how important this port is to economic and trade commerce issues for the United States and the global economy. And the message that we received from Southern California witnesses involved in port security was familiar to all of us because we had heard it from other witnesses in other areas of homeland security: they are understaffed, they are underequipped, and they are underfunded.

Members of the Coast Guard told us they have not received the funding that they need for basic security upgrades. The United States Customs Inspector Program is understaffed, and employees that are there do not have the equipment that they need to adequately secure and check the containers, and resources needed are just the beginning of the problem that we saw at our ports. We heard from the sheriffs from both Los Angeles and Orange counties who are in desperate need of funding, especially Orange County, because unlike Los Angeles, we are not considered a high threat urban area and because funding of one of our most costly expenditures, personnel costs, simply does not exist at this point. They told us they have not seen any of the money that they were promised to cover personnel and other costs. The funds simply are not getting through the pipeline down to the local level.

In my community, the city of Anaheim where Disneyland is located, our police department spends over $20,000 every day that we go from yellow to orange alert just on our police department. If we go to red alert, it is double that, almost $40,000 additional money every day; and yet we have not helped at the Federal level to get that money down to them. It does not include equipment that they need, supplies, the fire department personnel or personnel at the emergency operations center, and then there are other costs to consider also.

For instance, the Joint Terrorism Task Force that has been set up and is very effective in sharing intelligence and information between FBI and CIA and the local law enforcement agencies, the State of California, they want to participate in that and they do, but at their own costs. The city of Anaheim, at its own cost; the city of Santa Ana, at their own cost; the County of Orange, at their own cost.

Our first responders do not have the necessary resources to allow them to dedicate a few of their personnel to these effective anti-terrorism programs. This is a striking example of good solutions that exist where there are no resources to adequately implement them. The Department of Homeland Security has done a decent job in outlining what its mission is. However, we need to move quickly and forcefully to achieve that mission. The Department has a number of programs in place to improve homeland security. But so far the first responders, the people right at street level, handling information, trying to understand what is happening, trying to stop things from happening, and God forbid having to react to what happens, they have not seen the information they need nor the resources they need; and I hope that this is not just the first piece of legislation that our committee does, but that we continue our oversight function and our program function to get this done.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), the vice chairman of the Select Committee on Homeland Security.

Ms. DUNN. Mr. Speaker, every morning 180,000 of our fellow citizens go to work with one main thing on their mind, to prepare, to prevent and to respond to a potential terrorist attack in the United States. These people work for one of the 22 agencies that have been brought together under the umbrella of the Department of Homeland Security.

Homeland security has new meaning since September 11. We can no longer assume that we will be protected from terrorist acts. We now live in a world where we must prepare for possible attacks. For this reason, I was proud to support the President's request for the creation of a Department of Homeland Security that is solely focused, with a very laser-like focus, on the prevention and protection from terrorist attacks in this country.

Since its inception on January 24, 2003, the Department of Homeland Security has made significant strides in protecting the country from terrorist attacks. Let me give a few examples. In March 2003, the Department opened its door and then it launched Operation Liberty Shield, the first comprehensive national plan to increase protections of American citizens and national infrastructure. Homeland security funding has increased over 1,000 percent from fiscal year 2001 to fiscal year 2004, and this has allowed States and localities to purchase new technologies and tools for first responders.

Recently the Department ran TOPOFF II, a simulated exercise in Seattle and Chicago using large-scale weapons of mass destruction. Exercises like this are very important to provide first responders the experience needed to know when the decisions are going to be made, who is going to make these decisions, and how to handle our resources.

While the Department of Homeland Security has had great success over the last 5 months, there are still many issues to be resolved. The House of Representatives took the appropriate steps at the beginning of the 108th Congress in establishing a Select Committee on Homeland Security to help Secretary Ridge in guiding and overseeing the newly created Department. As with all Federal agencies, it is very important to hold this large Department accountable to the people we represent. The Select Committee on Homeland Security will act as the people's voice to focus attention toward our security. It will listen to the first responders, it will find a better way to get the millions of dollars that have already been allocated and should have been already received by first responders, such as $45 million in grants allocated to the State of California, but not received by their first responders. We need to help solve this problem.

It will be a focal point between Congress and the administration to coordinate the necessary resources to best defend our Nation. I look forward to continuing to work with the gentleman from California (Mr. COX) and other members of our committee to develop legislation and provide oversight that will aid the Department of Homeland Security in their mission to prepare, prevent, and respond to a terrorist attack to protect our constituents all over the country.

Mr. TURNER of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Select Committee on Homeland Security.

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

□ 1115

Mr. ANDREWS. Mr. Speaker, I thank my friend from Texas for yielding me this time. I would like to congratulate and thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) for their leadership in bringing the first of what I hope is a series of bipartisan bills to the floor that will improve our country's homeland security. There is much

work to be done. In each area that comprises homeland security, the work of this committee thus far has uncovered significant weaknesses and deficiencies that our country must resolve.

Homeland security first is the matter of knowing who is outside the fence of our home who is trying to do us harm, and that principally is a matter of diplomacy and intelligence. I frankly was dismayed to hear in recent weeks the testimony about the chaotic and dysfunctional relationship between the Department of Homeland Security and the various intelligence agencies. You cannot stop someone from attacking America if you do not know that they are trying to do it. This is an urgent problem that needs our attention.

The second aspect of homeland security is building the highest and strongest wall that we can build around our country. There is significant progress that has been made here. I especially commend the gentleman from Texas (Mr. THORNBERRY), chairman of the Subcommittee on Cybersecurity, and the gentlewoman from California (Ms. LOFGREN), who I think have very correctly focused on the risk to the country in the cybersecurity area.

But there are many more areas that need to be pursued. I would echo what the gentlewoman from California (Ms. LORETTA SANCHEZ) said a few minutes ago. The front line soldiers in making that wall as high and strong as possible are America's first responders, our police, our fire, our emergency services personnel. Later today, the House will consider a homeland security appropriations bill that does more for those first responders than has ever been done before in the history of the Federal Government. It is not nearly enough. It is not happening nearly soon enough. I know there will be some discussion under the appropriations bill about the wisdom of trading off over $2 trillion worth of tax cuts for more urgent and necessary help for these first responders. I think we should have chosen to help the first responders, and I think that is an area of debate that should be explored as the committee goes forward.

The third area of homeland security is the question of chain of command and allocation of responsibility when we have a terrorist attack that is imminent or ongoing. There is chaos and dysfunction in this area as well. Because everyone is in charge of an ongoing attack, no one is in charge of defending against an ongoing attack. The Select Committee on Homeland Security, working together with the Committee on Armed Services and other relevant committees, needs to think about who would be in charge in America this morning if, God forbid, our President received word that a terrorist attack was happening right now, who reports to whom, who is in charge of whom, and who is responsible for what. This is an area that is unexplored and dysfunctional at the present time.

Finally, homeland security is a matter of response. It is a matter of the immediate aftermath of an attack. One of the most impressive things about September 11 was how the first responders and other responders reacted to the tragedies in New York and in Virginia and Pennsylvania, because in many ways they were making it up as they went along. They did not have the contingency plans, they did not have the equipment, they did not have the training. They did a heroic and spectacular job. One of the least impressive things about our country's preparations in homeland security is how still relatively unprepared we are for that immediate aftermath. Questions about taxing the public health system, questions about evacuation plans, questions of coordination and joint services agreements among municipalities, counties and States still need to be worked out.

This is a bipartisan mission of national urgency. I am encouraged that the committee has worked together on this technical corrections bill. I fully support it. But if this is all we do and if this is as far as we go, then the deficiencies that I pointed out this morning will come back to haunt us. That benefits no one; that jeopardizes everyone. I hope that we will work together in the months and years to come to strengthen ourselves so we never again live another nightmare like this country did on the 11th of September, 2001.

Mr. TURNER of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I want to commend the chairman and Mr. TURNER for the work that has gone on on this particular legislation; and I want to rise, too, to raise my concerns about this whole homeland security effort. I have had several meetings with Tim Lowenberg, the head of the National Guard in Washington State and Governor Locke's coordinator for homeland security. We have discussed on two or three occasions our mutual concerns about the resources getting back to those first responders in the State of Washington. In fact, I have contacted my fire department and police department in Tacoma and in Bremerton, the two biggest cities in my district. I have convened a meeting of the officials, and very little of the money that Congress has authorized and appropriated has actually gotten back to those first responders. I think this is something we have got to get straightened out. The Congress has to get this straightened out. I also have been out to Northern Command. I regret that I could not be with the chairman on their recent trip twice now to talk to General Eberhart about the role that the military of the United States is going to play.

As strange as it may seem, for many, many years we did not have a CINC that was in charge of protecting the United States. We took it for granted that somehow we were secure from an attack. That is one thing that 9–11 certainly did change. We now recognize the vulnerability of our country and the vulnerability of our infrastructure. I agree with the comments that I have heard here this morning. We need to continue to do more. We have got to get the private sector to protect its critical assets. We have got to work with them to make certain that they are doing it. The chemical industries, our nuclear reactors, our energy plants, the transmission lines for our power grids and facilities, all of these things have to have a plan for protection. The States have to have, I believe, an individual plan for their protection. So there is a lot of work that has to be done. I want to make the same plea.

I worked with the gentleman from California (Mr. COX) on a select committee on transfer of technology to China. I have great confidence in his leadership and in his willingness to take on a tough issue. But we have to have the courage in this body, this institution, to tell the administration when they are doing a good job, but also tell them when they are not doing enough. I worry that when you have the Council on Foreign Relations and the Brookings Institution taking independent looks at what has happened in the last 2 years since 9–11 and the conclusion is that not much has really changed, then we in this body have a responsibility to make certain that the job, in fact, is getting done. Let us continue to work on a bipartisan basis, but let us make sure the job is getting done.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the select committee's Subcommittee on Cybersecurity, Science, and Research and Development.

Mr. THORNBERRY. Mr. Speaker, I appreciate the chairman yielding me this time, and I rise in support of this technical corrections bill. I also want to acknowledge that there is a lot of work left to be done. We will not make our country as secure as it needs to be in just a few short weeks, months or possibly even years. It is tempting for us in the Congress to think that if we can just pass a bill or we can spend more money, then we will have solved the problem. That is probably not true with most problems. It is particularly not true here. In fact, I have said that if we spend the whole Federal budget on something called homeland security, we will still not have eliminated the terrorist threat to the United States.

Instead, we have to do it the harder way. We have to really understand the problems, we have to set priorities, and we have to have the sense of urgency that is required coupled with a thoughtfulness that indicates that we are really doing the right thing. There is a tension there that I think a lot of us on both sides of the aisle feel.

In our Subcommittee on Cybersecurity, Science, and Research and Development, we are focusing partly on technologies, so that we can identify technologies that have been developed and encourage them to be fielded quickly so that we can be safer quickly. And then in addition, we can research those areas where technologies have not yet been developed where there is a need. We will focus on the cyber threat. We are having a hearing, for example, this week to try to understand the nature of the threat, also our vulnerabilities and the appropriate role of the Federal Government. We are interested in the information technology of the Department itself, because whether we are focused on the borders or in many other aspects of guarding our homeland, having good information technology, where the databases communicate with each other, that are user friendly but also secure is a key part of the challenge that faces this Department.

Mr. Speaker, to be successful there has to be partnerships involved, partnerships across the aisle, partnerships with the administration, partnerships with the private sector. I look forward to working with all my colleagues to develop those partnerships and to be successful.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Subcommittee on Emergency Preparedness and Response.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1416, the Homeland Security Technical Corrections Act. Today's bill represents our committee's first adjustment of the Homeland Security Act. As we have been examining some of the issues pertinent to homeland security, it will be necessary to make other changes to the act in order to provide clearer counsel to the Department as it undertakes its massive new responsibilities. For example, on my Subcommittee on Emergency Preparedness and Response, we have discovered that while the Department's main mission is to prevent terrorist attacks against the United States, the law fails to rest the specific responsibility for preventing such attacks with any one of the four directorates; and therefore it is unclear which of those directorates is in charge of this most critical mission. Other examples of how and where fine tuning of the statute is needed will arise as we do our work, and we will act to improve the law.

Mr. Speaker, the Department of Homeland Security became a reality just in March. It represents the largest reorganization of the Federal Government since World War II. This is truly a herculean task, but the Department has taken some important steps to assist our Nation's readiness for emergencies. $566 million has been made available to the States and the cities from the fiscal year 2003 budget to assist first responders in the form of funding for equipment, training, planning and exercises. $750 million has been made available for firefighter assistance grants from the fiscal year 2003 budget to help rural, urban and suburban fire departments better train, prepare and equip themselves. On April 30, $1.5 billion was made available to States and localities from the fiscal year 2003 supplemental budget to help State and local law enforcement personnel pay for equipment, training and exercises and to offset the costs associated with enhanced security measures deployed during heightened periods of threat. On May 14, $700 million was allocated from the fiscal year 2003 supplemental budget as part of the urban area security initiative for 30 cities and their contiguous counties and mutual aid partners to enhance the security of urban areas with high-density populations.

I rise in strong support of this legislation. I thank the chairman for bringing it forward. I look forward to working to make our Nation more secure.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), the chairman of the Subcommittee on Intelligence and Counterterrorism.

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

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from California for yielding me this time. I rise in support of H.R. 1416, the technical corrections bill for the Homeland Security Act. Mr. Speaker, following the events of September 11, 2001, our Nation began the most significant reorganization of the Federal Government since 1947, all in an effort to better protect America from terrorist attacks. The Department of Homeland Security was founded in an effort to create a centralized authority capable of streamlining and harmonizing our country's domestic security.

One of the clearest lessons learned from the tragic events of September 11 was the need for our intelligence and security agencies to share information and unify their efforts to the most feasible extent possible. Tasked with meeting this challenge is the Department of Homeland Security's directorate of information analysis and infrastructure protection, commonly known as the IAIP. H.R. 1416 will help the directorate achieve the goal of information-sharing.

The Homeland Security Act established the IAIP as a critical component in providing comprehensive threat analysis and management capacity to our Nation and will serve as the primary focal point for intelligence-sharing and analysis related to domestic security.

□ 1130

IAIP will provide vertical as well as the horizontal information flow that will allow our security forces, including our local community first responders, to respond as quickly and effectively as possible in executing their mission. As the Department of Homeland Security moves forward in accomplishing its mandate to make America safer, the Director of Information Analysis and Infrastructure Protection will have to play an integral role in assuring our intelligence agencies share information with each other as well as with the State and local law enforcement agencies and first responders.

I would like to thank Secretary Ridge and his department staff for their assistance and cooperation with our efforts in Congress to assure the Department of Homeland Security accomplishes this dual task of protecting against future terrorist attacks and preparing our Nation for our Nation's emergency response should an attack unfortunately occur. As Secretary Ridge and the Department of Homeland Security continue their work in this unchartered area, I look forward to a continued successful and productive relationship and urge support for H.R. 1416.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the vice chairman of the Subcommittee on Legislative and Budget Process under the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Homeland Security Act of 2002 represented a monumental undertaking to reorganize multiple Federal agencies with various jurisdictions. This legislation, as amended by the Select Committee on Homeland Security, is an important step in the committee's oversight of the newly created department. Among other things, the technical corrections in H.R. 1416 further clarify the powers and duties of the Secretary of Homeland Security and the Attorney General.

Further, the gentleman from California's (Chairman COX) mark addressed concerns raised about the original bill's language that would have potentially placed jurisdiction of the Bureau of Citizenship and Immigration Services under the Under Secretary of Border and Transportation. These corrections provide guidance and more accountability by creating a clearer chain of command.

By abolishing the INS and reorganizing its functions, the Homeland Security Act I think made tremendous strides toward achieving a delicate balance between protecting our country from those who might do it harm and those properly seeking admission into the United States.

I look forward to continuing to work through the select committee under the leadership of the gentleman from California (Chairman COX) and also with the gentleman from Texas (Mr. TURNER) and all of our colleagues to

continue to strike an important balance that we did in the example mentioned of Immigration and Border Control. Under the leadership of the gentleman from California (Chairman COX), we are taking the first of many steps to ensure that the Department of Homeland Security is appropriately organized to not only help prevent terrorist attacks through heightened security and preparedness but also to respond effectively in times of need.

Our successes, Mr. Speaker, will depend much on the foundation which we have laid in the framework for this new department, and we will continue to work to ensure that we do so as effectively as possible.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I consume.

Let me thank the gentleman from California (Chairman COX) for his leadership on this bill and his continued effort to try to mold our committee into one that will accomplish the goal that we all have of building a secure America. I know that when we look at where we are now there are many deficiencies, and we must recognize that the oversight responsibility of our committee is perhaps the most challenging of any committee in the Congress. The reorganization of 22 agencies molded into one Department of Homeland Security is a landmark change designed to be sure that the focus of those agencies is on protecting America, and so I am pleased that the chairman and I and members of our committee have worked closely together to take on the responsibility of oversight which is so critical, ensuring that we mutually achieve the goal that we have in mind.

We all know that we must set the priorities. The priorities for homeland security can never be set unless the Department of Homeland Security carries out that vital function of determining the threats and matching them against the vulnerabilities, and I am pleased that the chairman has provided the leadership that we need to move forward in that area.

There is much to be done, Mr. Speaker, and we must move faster and we must be stronger than we are today if we are going to ensure a secure America. This legislation is but a small step in that direction, and I am pleased to join with my colleagues in support of H.R. 1416.

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

Mr. COX. Mr. Speaker, I yield myself the balance of the time.

I want to return the thanks and congratulations to the gentleman from Texas (Mr. TURNER), the ranking member, for his leadership and work on this important legislation.

The bill that we are bringing before the House today represents the extraordinary scope of responsibilities of the Department of Homeland Security. Although this is a technical corrections bill, it amends portions of the Homeland Security Act concerning the breadth of the responsibilities of the department, including critical infrastructure protection, visa issuance, first responders, the military activities of the Coast Guard, information security, training for first responders to enforce border controls within the country, war risk insurance, arming flight deck crew on commercial airliners, and enforcing the Privacy Act. Each of these subjects is touched upon in the bill, H.R. 1416, that is now before us.

This committee is going to continue its aggressive oversight. We are going to continue legislating and improving the Homeland Security Act itself, and we are going to continue authorizing ever more resources, both financial and information, as we fight the war against terrorism.

Between last year and the current appropriations cycle, the Congress has authorized and enacted over $17 billion in funding for homeland security. We have increased funding for first responders over 1,400 percent. Just this year, a few months ago, we added $3.5 billion additional in a supplemental spending bill for first responders, and later today on the floor we will make appropriations for the next year with an additional $4.4 billion for first responders.

Beyond money we need to provide information, as the ranking member and I have both stressed here on the floor, we need to share that intelligence information between the Intelligence Community and law enforcement in Washington, and we need to share between Washington and our State and local law enforcers.

Mr. Speaker, I am confident that we can win the war on terrorism. I know we are in this for the long haul, but the preparations that this Congress is making today will stand this country in good stead for years to come. I urge support for H.R. 1416.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1416, the Homeland Security Technical Corrections Act of 2003. This is the first bill from our new but very important Select Committee on Homeland Security and I want to thank our chairman and ranking member for their leadership through the difficult waters of protecting our homeland.

The establishment of the Homeland Security Department on March 1 was only the beginning of an ongoing process in defending our homeland against terrorism, as is this technical corrections bill, which we are debating today.

There are still areas where lines of responsibility need to be clarified and cemented, and certain processes need to be streamlined and made more first responder friendly.

The Homeland Security Act is one which treats the Territories fairly, but there is one issue involving the need to ensure that Indian tribal governments are included amongst the governmental entities that are consulted with respect to activities carried out by the Secretary of the Department of Homeland Security that still needs to be corrected.

I sought unsuccessfully to address this problem during markup of H.R. 1416 in our committee but I expect that it will be resolved successfully when the bill gets over to the other body.

I urge my colleagues to support passage of H.R. 1416.

Mr. LANGEVIN. Mr. Speaker, I rise this morning in support of H.R. 1416. The bill makes various technical corrections to the Homeland Security Act of 2002, which we passed in the wake of the September 11 terrorist attacks to better equip our Nation to prepare for and respond to future disasters, whether natural or man-made.

Since passage of that bill last year, we have come a long way, but there is much work to be done. We now have a Department of Homeland Security, employing close to 200,000 people and assuming the responsibilities of dozens of former Federal agencies. We have sharpened the Nation's focus on the crucial issue of homeland security and given Federal, state, and local officials and first responders the tools to better meet our pressing security needs.

But as the ranking member of the Select Committee on Homeland Security, Mr. TURNER, has said, we must move faster, and we must be stronger. When it comes to protecting our citizens, making progress is simply not enough.

One of the most critical shortcomings facing us is the failure of the Department of Homeland Security's Intelligence Directorate to fulfill its role as the nerve center of the new agency. The intelligence unit was intended to be the very heart of DHS, and its effective operation is indispensable to the success of every other division of the department. This directorate is tasked with collecting and analyzing intelligence information from our nation's intelligence community, and then mapping the perceived threats against our vulnerabilities.

It is this process that should be creating the information on which all of our homeland security decisions are based. Instead, decisions are being made, resources are being allocated and priorities are being set without the benefit of this all-important analysis. Meanwhile, the Intelligence Directorate is woefully unprepared to undertake its responsibilities. We must correct this state of affairs immediately if DHS is ever to operate as intended.

So, Mr. Speaker, while I rise in support of this technical corrections bill, I also want to stress how many more significant issues remain to be addressed. I hope the administration and this Congress will turn their attention to them without delay.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. COX) that the House suspend the rules and pass the bill, H.R. 1416, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. COX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 and clause 2 of rule XXI are waived except as follows: sections 514, 521, and 522. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purposes of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 293 is an open rule that provides for the consideration of H.R. 2555, the Fiscal Year 2004 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

As we begin the cycle, the 2004 appropriations cycle, I think it is fitting that the first bill that the House considers will be the Department of Homeland Security Appropriations Act. It has been now approaching 2 years since the Nation was severely hurt by the cowardly attacks of September 11, 2001. Appropriate decisive and necessary steps in our defense and our foreign policy have been evident under the leadership of President Bush through successful efforts to rid Afghanistan of al Qaeda and the oppressive Taliban regime and recently to remove a ruthless dictator from power in Iraq. The United States military has performed and succeeded with extraordinary distinction each and every time that it has been called upon.

Now I look forward to the fair debate that is provided under this rule and the eventual passage of this legislation so that we can continue to act as well on local, State and Federal levels to reinforce the security of the United States of America. Funding from this Congress to protect the homeland in this legislation, the underlying legislation, is $29.4 billion, $1 billion over President Bush's request, and this legislation will provide $4.4 billion to the Office of Domestic Preparedness.

I have seen firsthand the work of Federal dollars when supplemented with State and local funding to make our communities safer. In south Florida the local governments and municipalities have taken extensive steps to secure the safety of airports and seaports, utilities and water supplies, but they certainly need the supplemental funding and grants that this bill makes available. With over 7,500 miles of land border and 361 seaports, the local authorities obviously, Mr. Speaker, will always be the front line of defense. First responders are the key to the effective protection of our communities. The Office of Domestic Preparedness has seen an increase in grants and aid of 1,400 percent since September 11, 2001. Through fiscal year 2004, this Congress has enacted or proposed over $17 billion in funding for local emergency work. Although much of the funding goes through State governments for distribution, of those funds 80 percent must be sent, passed on to the local municipalities by the States within 45 days.

□ 1145

To further ensure the safety of the American people, we have instituted very clear guidelines for grant eligibility. Local and State officials must create a multiyear Homeland Security Plan. This will ensure that Congress is not just throwing money at the problem, but working to find a forum in which State and local governments can find comprehensive, long-term solutions.

The Department of Homeland Security is also working diligently to protect our ports of entry. There is $61.7 million in this bill for the Container Security Initiative known as CSI. It is our belief that security at the ports of the United States should really be the last line of defense, if possible, and not the first.

Through the Container Security Initiative, the Bureau of Customs and Border Protection is working with the world's largest ports to secure and screen cargo before it leaves for the United States. We now require 24-hour advanced notice for manifests of cargo ships heading to the United States. This allows the Department of Homeland Security to see what is on a ship before it gets near the coasts of the United States. Through a sophisticated database screening system and ground personnel working with other countries, the Department of Homeland Security is creating a frontline of defense hundreds, and, in many instances, thousands of miles from the United States.

H.R. 2555 also continues funding for the Transportation Security Administration at over $5 billion, $5.172 billion to be exact, $360 million over the President's request, as we continue to work to ensure that airplane travel is as safe as possible.

Finally, Mr. Speaker, this bill addresses the creation of Project Bioshield. In a speech to the Bio 2003 Convention Center and Exhibition yesterday, President George W. Bush stated, ''Project Bioshield will give our scientific leaders greater authority and more flexibility in decisions that may affect our national security. Our labs will be able to hire the right experts, to buy the right equipment, and to speed the construction of the right facilities to accelerate urgently needed discoveries.''

Mr. Speaker, I believe that Project Bioshield is truly one of the most important programs created as a direct result of the threats to the homeland of the United States. Similar to the space race during the decade of the 1960s, the Nation faces a time when it must rely on the great innovations of science and research, in this instance, to keep our communities safe. I am confident that this legislation addresses those needs by providing Project Bioshield with nearly $6 billion over the next 10 years.

H.R. 2555, Mr. Speaker, is very important legislation. It is important that we bring it forth today. I am proud to be able to do so. It is essential to the continued commitment by this Congress for the security and safety of all citizens and residents of the United States and, in fact, to the well-being of our homeland. We bring it forth under a fair and open rule. The legislation was reported out of the Committee on Appropriations by a voice vote. I think it is very appropriate to thank, and I do so, the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their leadership on this important issue; and I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, I supported the Department of Homeland Security back when most Republicans still opposed it, and I served on the Select Committee that created the new Department last year, so I expect to vote for this bill to fund the Department on final passage.

But before we get to that point, Members will have the chance to address several serious weaknesses in America's homeland defense system.

First, we need to pass the amendment of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the committee, to increase security at our ports, our airports, and our northern border, and to meet other vital security needs identified by the Bush administration. As it stands, the base bill does not address major holes in homeland defense, and the Obey amendment would plug some of those. And to do it, all we have to do is ask millionaires to take slightly smaller tax breaks than they are already getting next year. It is a reasonable trade: about 200,000 millionaires would give up just $5,000 of the over-$88,000 in tax breaks they are getting next year, and all Americans would get critical homeland security investments.

Unfortunately, the Republican leadership is not willing to ask millionaires to accept an $83,000 tax break next year rather than an $88,000 tax break, so they blocked the Obey amendment.

Fortunately, Mr. Speaker, addressing the second issue does not cost a dime, but it is fundamental to the success of the new Department of Homeland Security. As my colleagues will recall, when the Congress created this powerful new domestic security agency last year, several Members, Republicans as well as Democrats, expressed concern that its powers could be abused and turned against law-abiding American citizens. The former House majority leader, Dick Armey of Texas, was particularly outspoken on this issue.

Unfortunately, we have already seen an example of the danger that concerned Mr. Armey.

And that is why it is absolutely critical that the House act to protect the Department of Homeland Security from ever again being used as the Department of Political Security, as happened just last month.

Mr. Speaker, the Department of Homeland Security became involved in a partisan political dispute last month when it helped Texas Republicans hunt down law-abiding Democratic State legislators. Specifically, the Homeland Security agency charged with tracking terrorists was enlisted to help Texas Republicans trying to track Democratic lawmakers who had stood up to the Republican leadership in Austin. These Democratic legislators violated neither State nor Federal law. They simply used a legal parliamentary tactic, breaking a quorum, in a legislative battle to stop an unprecedented bill to unnecessarily redraw Texas's congressional districts. They employed a legitimate parliamentary tactic that Republicans have used at other times and in other places.

But when Abraham Lincoln broke a quorum in the Illinois legislature in 1839, his political opponents did not have the option of using the Department of Homeland Security to track him down. Neither did the officers of the U.S. Senate in 1988 when Senate Republicans tried to break a quorum.

Today, however, the Department of Homeland Security has enormous domestic intelligence powers. And somehow, on May 12, 2003, America's homeland security resources were employed to help Texas Republicans against their political rivals.

There is really no disputing this, Mr. Speaker. According to a report by the Department's own Inspector General, the Homeland Security Department's Air and Marine Interdiction Coordination Center spent its resources helping the Texas State police and the Texas Republican leaders directing the manhunt trying to find the plane of former Texas Speaker Pete Laney, a Democratic legislature who had flown to Oklahoma, to break the quorum. Many of my colleagues will remember Mr. Laney as the Democrat who introduced George W. Bush to the Nation on the night that he was declared President by the Supreme Court.

If my colleagues can believe it, Mr. Speaker, Homeland Security officials maintain that the 40 minutes they spent assisting in the Texas Republican's manhunt was only a ''minimal'' amount of work. That is a troubling excuse.

If the Department of Homeland Security spent just 1 minute in a domestic political dispute, then it was 1 minute too long. But they spent 40 minutes, which is longer than it took for terrorists to carry out their September 11 attack on the World Trade Center.

Even the office of a Republican member, Representative KEN CALVERT, who represents the Riverside area where the AMICC is based, called to express shock at their involvement, at the Homeland Security Department's involvement in this political matter.

Mr. Speaker, Homeland Security officials also contend that they were tricked into getting involved. The report issued by the Department's Inspector General indicates that ''several individuals'' were instructing the Texas State police officer who got homeland security involved in the manhunt. According to a partial and heavily blacked-out transcript released by the Homeland Security officials, the officer was taking direct orders from a ''State representative.''

The Texas State police refused to identify who was directing them, and they quickly destroyed most of the documents relating to the episode. As a result, Homeland Security referred this case to the Federal Bureau of Investigation, but the FBI says it has no interest in investigating.

Fortunately, some Texas State police field notes survived the document purge and they indicate that Texas Republicans, Governor Rick Perry, State House Speaker Tom Craddick and others, personally instructed the State police during much of the manhunt which was run out of Speaker Craddick's office.

So as my colleagues can see, Mr. Speaker, a lot of disturbing questions remain unanswered about how homeland security resources were used to help the Texas Republicans track their political rivals.

Mr. Speaker, let me be clear: my goal here today is to protect the Department of Homeland Security. Its mission, safeguarding Americans against the threat of terrorism, is too important to risk undermining its credibility with the public.

But even if homeland security officials were misled, and the available facts do not clearly support that excuse, the entire episode still reveals the Department of Homeland Security's dangerous vulnerability to abuse.

Unfortunately, Homeland Security officials have refused to even acknowledge the Department's vulnerability or the threat it poses to their mission. Secretary Ridge has refused to release the complete tapes of the Department's communications with Texas officials or anyone else involved in this episode, despite legitimate requests from numerous Members of Congress, including the ranking members of the House and Senate committees that oversee the Department.

And the Department's Inspector General declared that its own agency's actions were ''appropriate.''

Mr. Speaker, that is so wrong that it is frightening. It is never appropriate to use homeland resources for partisan purposes, no matter how many minutes Homeland Security officials spend helping one political party, or which party they help. On the contrary, it is a dangerous abuse of power, one that threatens the liberties of all Americans, and one that risks public support for the Department of Homeland Security.

That is why the gentleman from Texas (Mr. EDWARDS), a member of the Committee on Appropriations, and the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Select Committee on Homeland Security, submitted amendments to the Committee on Rules last night to ensure that the Department of Homeland Security never again finds itself being used for partisan purposes.

Republicans on the Committee on Rules, however, seem not to understand the seriousness of the Department's vulnerability or the importance of closing this loophole immediately, because they blocked both amendments.

As a result, there is only one way to protect the Department of Homeland Security against political abuse: by opposing the important procedural vote known as the previous question. If we defeat the previous question, I will amend the rule to allow the House to consider these two amendments to restore public trust in America's homeland security officials.

Mr. Speaker, this should not be a partisan issue. I urge my colleagues to put politics aside and oppose the previous question.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the rule for the fiscal year 2004 Homeland Security appropriations bill. The rule should be opposed for several reasons. I will raise two of them.

First, the rule does not protect an amendment I offered that was adopted in committee which concerns the Transportation Security Administration's new computerized airline passenger profile system called CAPPS2.

As proposed, CAPPS2 potentially represents the largest-ever intrusion of the Federal Government into our personal lives. Under it, a Federal agency would mine sensitive personnel data on millions of people for the routine event of flying on an airplane. The privacy and due process concerns are immense. The administration has been working on CAPPS2 since late last year.

□ 1200

But there remains many unanswered questions about it. It deserves far more scrutiny than has been paid so far. I am concerned that TSA may not currently possess the expertise to design a fair and effective passenger screening system, one that catches the people who mean us harm, while protecting those who do not.

I am concerned for law abiding people, especially those with common names and those who move residences often or who do not have well-established credit histories like college students and older Americans. I worry that these honest people will be singled out for further TSA screening, not based on risk but simply because the system is not well designed.

I am concerned that while TSA may set up a mediator to deal with passenger problems, it may be a mediator in name only. There may be no adequate process for passengers to get problems fully resolved because TSA will not control all the data bases it plans to use. If so, once red flagged, will law abiding people be needlessly hassled every time they fly? And to make matters worse, would such mistaken red flags of people who pose no risk cause the passenger and baggage screening systems to become overburdened, thereby raising the risk of lowering it?

My amendment, the CAPPS2 provision in the bill, requires the GAO to review CAPPS2 as it exists today before funding can be obligated on a planned pilot program.

GAO's review would mirror the recommendations put forth by the Secretary of Defense and the Attorney General in the report they submitted on May 20 on DOD's Terrorism Information Awareness Program. It is unclear how many of these recommendations, if any, have been filed by the TSA or by the Department of Homeland Security. I suspect none.

The CAPPS2 provisions in the bill are reasonable and should have been protected in the rule from points of order.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE), truly one of the most thoughtful and really an extraordinary leader in this House.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I was here, as you were, and as most of us in this institution were on the day September 11, 2001. It was a sunny day, just really very much like today. All of us were busy about our business, breakfast meetings of that Tuesday, when we received word of what happened in New York and then happened again and then happened within a proximity of these buildings that is still jarring to the memory of most Americans, the causality and the horrific tragedy at the Pentagon.

So this business of homeland security is a very serious and near-to-the-heart business for me. While I am not a member of the Committee on Appropriations that crafted the critical legislation upon which this rule is based, I am a member of the House Committee on the Judiciary's Subcommittee on Crime, Terrorism and Homeland Security; and I was compelled to come to the floor today, Mr. Speaker, and speak about what it is that we are doing in the majority for homeland security. And because there is much in the national debate and much in the debate on this blue and gold carpet that suggests that we are not doing our part. And I am duty-bound to come here today and say that I believe we are. In fact, I helped to draft the legislation that created the new Department of Homeland Security.

And the first priority of that new department, the first of its kind in decades, is to protect our Nation against further terrorist attack. Our first priority, Mr. Speaker, is to ensure the Department is properly funded to fulfill its mission. And I believe the gentleman from Kentucky (Mr. ROGERS) and the members of the subcommittee who prepared this critical appropriations legislation in the area of homeland security have crafted a balanced bill that will keep our homeland safer in an age of growing terrorist threats, will meet those needs of first providers.

The bill recognizes the need for coordination at every level of homeland security. Here are a few examples: We do support State and local first responders, $1.9 billion for an Office of Domestic Preparedness basic formula grants; $500 million for State and local law enforcement terrorism prevention grants; $750 million for firefighters grants; $168 million for emergency management performance grants.

Also, this legislation today will do much to strengthen and protect our borders, porous as they have been, threatening our national security. This bill will provide $9 billion for border protection and related activities, including $129 million for inspection technologies for vehicles and cargo; $61.7 million for container security, and $12.1 million for Customs Trade Partnership Against Terrorism.

We also are enhancing the transportation security, $1.6 billion for passenger screening, $1.2 billion for baggage screening efforts, and the list goes on and on and on.

Mr. Speaker, much will be said today as we proceed through this rule, debate, and through general debate that the majority has not done enough. But there are literally billions and billions of dollars carefully crafted in the area of first responders, protecting our borders, transportation security that argue eloquently and forcefully otherwise.

I urge my colleagues to support the Homeland Security Appropriations Act and this rule. I believe it strikes a balance perfectly between the missions previously under the umbrella of other agencies that now find themselves under this new department.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, Austin, Texas is the proud capital of the Lone Star State. And we say rather modestly there that we are the live music capital of the world. We do so because of an immense amount of talent and a great interest in music in our community. But of late there has been music of a different type.

We have had the Republican majority leader, the gentleman from Texas (Mr. DELAY) trying to call the tune and forcing the leaders of our State to dance to his tune. Indeed, he has spent so much time in Austin arm twisting and cajoling State legislators, huddling a week ago today with the Governor, Lieutenant Governor, and Speaker of Texas House, that just this past Friday he was named by Texas Monthly as one of the 10 worst members of the Texas legislature, not of the United States Congress. It is difficult to determine for which body he is devoting the most time.

Against that backdrop, we consider this legislation. The problem that we face today is that no matter how much

we appropriate for homeland security to protect us against terrorism, if its resources are being diverted to political purposes, such as fulfilling the desires of the gentleman from Texas (Mr. DELAY), then we will not have the protections that the American people deserve. We know that the Department allocated some of its resources to searching for Texas legislators who were involved in legitimate opposition to the DeLay Redistricting Plan.

The Department first assigned a former Republican Congressional candidate from Texas as the Inspector General to conduct an ''independent'' investigation to decide whether the resources had been misallocated. When that gentleman, after his biased and partisan background on this matter was exposed, recused himself, and then another person was appointed, we were assured that she, as an Inspector General at the Department of Homeland Security, would get to the bottom of this.

She assured us she would explore all aspects of the misuse of the Department of Homeland Security, but then produced a report that only looked at the sole issue of the Department's inability to find a cotton farmer from Plainview and where his plane had gone. I hope they are able to do a better job with terrorism than they did in locating an airplane of a former Democratic Speaker of the Texas House. She did not, as promised, conduct a broad examination of misuse of any resources in any part of the Department. Though she told us she would get to the bottom of who required that this investigation be undertaken, she did not do that and her report is silent on whether any federal office holders or their employees were involved.

As with the Department of Justice, the Federal Bureau of Investigation, the United States Attorneys Office, the U.S. Marshals Service, we have received no information in response to repeated requests about how they may have been misused by the gentleman from Texas (Mr. DELAY) or others in this investigation in the State of Texas. In fact, we have a stone wall and we have asked the gentleman from Texas (Mr. DELAY), well known as ''the hammer'' to tear down that stone wall. To date we have nothing but silence and excuses and stonewalling with reference to these matters.

What relevance does that have to today's appropriations request? All the relevance in the world. If the Department of Homeland Security, the U.S. Marshals Service or the Department of Justice can be used for partisan political purposes like this and all it takes is a call from someone with a badge, what is there to prevent a sheriff somewhere in America who wants the Department of Homeland Security to help with a divorce investigation to involve them in this? If there is a local police chief who wants to do some opposition research on the opponent of a local mayor who is up for reelection, who will prevent the Department of Homeland Security from getting involved in that? If you have a local police officer who is suspicious of a political or religious group, what is there to prevent the Department of Homeland Security from responding to his request.

Well, from what we have learned in ''Texasgate'' so far, one would say there is very little and that this episode only reinforces the concerns of many Americans that this Department, well intentioned as it may be, would bring us a new America in which the watchword is ''spy on our neighbors.'' There is very real concern about government resources that should be dedicated to protecting American families and instead could be misused for personal or political gain.

Until we get a full and complete disclosure from all the participants in this scandal, we will not have a complete answer as to whether Americans are adequately protected, and that is the purpose of defeating this motion for the previous question on this rule. In this way, we can attempt to get to the bottom of this and to ensure that the resources are not diverted from where they should be to protect our families, into protecting some political partisan who is trying to reshape America in his image.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, will the Chair notify me when I have used 5 minutes?

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will.

Mr. OBEY. Mr. Speaker, this bill should not even be here at this time. The Committee on Appropriations chairman, the gentleman from Kentucky (Mr. ROGERS), knows his stuff. And he demonstrated that last year when he did very heavy oversight of the Transportation Security Administration, which was totally screwed up at the time.

The problem we have with this bill being before us today is that this new agency was extremely reluctant to provide useful information to this Congress so that we could make intelligent judgments about how to allocate money to this new agency. And we have a specific problem, because the reorganization bill that passed with much ballyhoo last year is not what it is cracked up to be. Before the passage of that legislation we had 133 agencies that had something to do with homeland security. And what the bill finally did was to take 22 of those agencies, not including the FBI and the CIA, the two gut agencies in our fight against terrorism, so they took 22 agencies, put them in the department that they called ''Homeland Security,'' and we are supposed to stand up and sing Hosannas. The problem is that left 111 other agencies uncoordinated, outside the tent.

So we had that basic confusion to begin with, and now we have even more confusion at the agency. This new agency, for instance, we are told still has not prepared a telephone directory for its employees so people can reach who they are supposed to reach if they have a problem.

Now, there is nothing wrong with this bill if you think it is perfectly okay to proceed on the status quo, because this bill provides a meager 1.8 percent increase over last year's budget for the agencies meant to protect us against terrorism. But because of inflation that means there will be on a per capita basis less security provided to each and every citizen of this country this year than was the case last year. And yet we hear many stories about deficiencies in securing this country.

□ 1215

Example, we had over 60 uncleared aircraft that flew from Canada into the United States last year. We have no assurance about what was in those planes or who was in those planes. We have $4 billion that the Coast Guard has told us that we need to provide over time to our port facilities for security purposes. We are only inspecting 2 percent of all of the cargoes that come into our national ports; and we have what was supposed to be the brain of the agency, the information analysis division, having a terrible time getting off the ground after the reorganization.

So I want to put the House on notice now. I intend to offer an amendment that would add $1 billion to key security functions. I would add $400 million for port security grants. The Coast Guard has told us that we need $4.4 billion, and this will speed up that timetable a bit. My amendment would also bring to 25 percent the Federal contribution of port facility security needs. That leaves a huge percentage of the bill still in local hands. If we do not do this, it will take close to 20 years before we are providing half the cost of meeting that security. That is a little bit too long to wait, I think.

Thirdly, we would add $100 million to the Coast Guard to effectively implement the Maritime Security Administration Act, which was created in order to improve our ability to analyze vessel threat information. And my amendment would also provide $100 million to increase the number of Customs inspectors now inspecting container ships into the United States. This would allow 1,300 additional Customs inspectors to be brought on. That is still a drop in the bucket in comparison to what they need.

We would also provide $200 million to improve security on the northern borders, some 5,500 miles long; and we have virtually no capacity to cover large sections of it. During Operation Liberty Shield, there were 10 aircraft that came across that border without a

clearance, even though that border was being patrolled by air for 30 straight days. I would say that is a problem.

People will say how do we intend to pay for this amendment. We would intend to pay for the amendment by reducing the size of the tax cut that this Congress just provided for people who make over $1 million a year. We would reduce that average tax cut from $88,300 to $83,300. That is hardly crippling the most well-off people in this country, but that tiny adjustment in their windfall would enable us to significantly enhance the security of the United States. It would inure to their benefit as well as citizens who do not get that fat a tax cut. I think it is perfectly rational.

I know some people will say, ''Oh my goodness, you must not do that because you will be invading the jurisdiction of another committee.'' I would point out that if you go back just a few months ago on the omnibus appropriation bill, we had a whole slew of proposals that the House leadership insisted that we put into that appropriation bill. Most of those items were under the jurisdiction of the Committee on Ways and Means. So all we are doing is what the leadership of this House itself did last year, and it seems to me that we ought to put the welfare of the country, ahead of what Dick Bolling, my mentor from Missouri, described years ago as being jurisdictional dung hill politics. We should not worry about jurisdiction. We should worry about what kind of a job we do on the substantive level.

So basically, Mr. Speaker, the Committee on Rules did not allow my amendment to be made in order. What is happening is this: when the budget resolution process was first established by the Congress, the purpose was to make Congress face up to choices and to recognize what the trade-offs would be when you made those choices; but the way the House leadership is running the budget process today, they are guaranteeing that there is never any linkage between actions and consequences.

What this House did on the budget resolution, what this House did on the tax bill has now dictated to this committee the limitations under which we bring this bill to the floor, and that is why this bill is woefully inadequate in terms of meeting the security interests and needs of the United States.

So I make no apology for trying to do something a little different in order to try to get more resources into this area. I think any American concerned with our security would understand why we do it; and I think it is about time that we demonstrate that there are costs, there are costs to the tax action that was just taken in Congress. Those costs mean that we have less money available to make the crucial investments we need in homeland security and, for that matter, also health care, education, science, you name it.

What I am trying to do is to demonstrate what those real trade-offs are, even though it is apparent that the majority leadership in the House wants to hide those trade-offs from the American people. I think the public has a right to know what services they are going to be denied on the security front because of that tax action.

I thank the gentleman for his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I really did not plan to speak on this bill, but some of my good friends on the minority side from Texas have been up talking about alleged abuse of funding or power in terms of homeland security officials attempting to find some missing State legislators who went down to Austin and then left Austin and went up to Ardmore, Oklahoma, hung out at the Holiday Inn for a couple of days while the Texas legislature was considering a redistricting bill for Congress.

The Inspector General of the homeland security has done an investigation of this allegation and found no substance to it, no merit. As it turns out, the information in terms of the tail number and things like that are available to any citizen in this country who wishes to call the FAA. If they have a tail number, and if that airplane is in the air, FAA will tell a person where that particular airplane is. That is public information unless they have changed the protocol in the last 2 or 3 weeks, and is available to anybody who wishes to try to track where somebody is, that is, if they have the tail number.

What happened down in Austin was that the Texas House was going to move a bill to rectify past gerrymanders of the congressional lines that go back over 30 years, and some of the Democratic State legislators decided that they did not want to be part of it; and under the Texas Constitution, it requires a two-thirds vote to have a quorum. Enough legislators left town on an organized basis, went up to Oklahoma and hung out until the legislature session had ended. Well, that is according to the rules and may be good press, but it is not going to work in the long term because the Governor called a special session that is going to start in a couple of weeks, and the lines are going to be redrawn to verify the voting wishes of the people of Texas, not of some of the political polls in the minority party.

So I just wanted to come over and set the record straight. There has been no abuse of power. There has been no illegal use of funds. There has been nothing like that.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Austin, briefly.

Mr. DOGGETT. Mr. Speaker, is the gentleman aware that the Inspector General of the Department of Homeland Security has not reported on any aspect of whether homeland security resources were used other than the aircraft and has specifically declined to report on which individuals may have asked that homeland security resources be diverted for this purpose? In other words, the investigation is incomplete.

Mr. BARTON of Texas. Mr. Speaker, I appreciate my good friend from Austin raising that question.

My information is that the Inspector General has done an investigation. There is not an issue there. I think some State officials when this, what I would call a ''bug out'' to Ardmore, the gentleman may have a different term for it, he might call it something differently, but when that happened, the Governor and the Speaker of the House, as is their authority under the Texas law, sought to bring the recalcitrant lawmakers back to the legislature so there would be a quorum; and they touched bases with a number of State and Federal officials, and some of the Federal officials made a couple of phone calls, but there was no abuse of power and nothing illegal that has happened, and this is what the investigation has said.

Again, I am here as a Republican, a Member of the majority party. I have got no problem if in Austin certain legislators do not want to report for a quorum. That is something that we have the authority to do here; and as my colleague knows, the Texas constitution requires a two-thirds membership present if there is a question of the quorum. So we do not have a problem with that, but I think the State officials in Austin had every right to try to find where those legislators went and try to get them back if they could get them back so there would be a quorum, and there is nothing illegal about that, and there is nothing unethical about that, and there is nothing improper about that.

So I just kind of wanted to set the record straight. It may be good political theater, but there is no illegality that has gone on and the Inspector General said that.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 6 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 13 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 15 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, just to complete the record, it is very clear that the office of Inspector General did not explore anything other than one aircraft. They did not explore the other misuse of the response of the Department of Homeland Security; and, second, it is clear that they failed to provide or even pursue evidence on the

question of which Federal officials may have asked for this misappropriation of resources. Finally, to complete the record, history shows that it was Abraham Lincoln who was among the first to use this tactic of defeating a quorum.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH), my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Florida for yielding me this time, and I would rise in support of this rule.

It has been interesting to hear the debate, if we could characterize it as that, thus far. We hear about an internal redistricting dispute within the State of Texas. We have the other friends predictably come to this well and somehow try to trot out the shopworn thesis that the people's economic security at home should be invalidated by command and control spending here in Washington; and undergirding all this, Mr. Speaker, is this simple proposition for the left: it is never enough.

Indeed, if we take the debate and the dispute as it is here and in so many different areas, our same friends who come to us time and again on different issues and would have the American people believe that they are the champions of eliminating the deficit, that they are for fiscal responsibility, when it comes to spending programs, and perhaps this one especially, they begin from the thesis that there is never enough spending, not that the considerable resources that we will bring to bear in this appropriation, billions of dollars, can be utilized in judicious, concentrated fashion to bring about the desired ends. No, no.

Mr. Speaker, the resounding chorus from the left is, it is never enough, with an interesting variation. If one succeeds in America, they are to be singled out for punishment for succeeding, for paying their taxes; we want to reinstitute taxes on them because their economic security or the economic security they provide to workers they hire in small business should be invalidated for the class warfare scenario that states somehow they are unworthy because they succeed.

So my friends will offer an amendment, I suppose, later when we move this on to raise taxes; and I would suggest, Mr. Speaker, to this House and to my colleagues, in so doing, they are denying what is obvious and that is that there is a link between economic security for all Americans and homeland security for all Americans.

Just as we understand the best social program on Earth is a job, we get there not from the command and control of the left who believe the answer is always in bureaucratically driven jobs. We get there by allowing people to use their money to save, spend and invest to create new jobs in the private sector; and yes, we maintain a judicious and concentrated use of funds to protect our homeland and to protect the American people.

□ 1230

But again, Mr. Speaker, remember what the resounding chorus will be from the left: It is never enough. And there are myriad uses for your money over and beyond the saving, spending and investing of same in your family's economic security.

You see, I do not believe, Mr. Speaker, these two goals are mutually exclusive. I believe the American people need to keep more of their hard-earned money to save, spend, and invest, because I believe it will lead to higher employment and economic gains. But I also believe the bill we will consider today stands up for national security, makes a difference for this American Nation, and so I would ask my colleagues to join with me in voting in the affirmative.

Mr. FROST. Mr. Speaker, I yield 2 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. Mr. Speaker, I wish that this debate was simply about making sure that the homeland is secure. I rise in opposition to this rule and associate myself with the words of the ranking member of this committee, the gentleman from Wisconsin (Mr. OBEY).

This is not about stealing hard-earned dollars from taxpayers, it is about providing for the safety of Americans and taking a few thousand dollars from the million-dollar earners that the big tax bust this Republican administration has given, where those making $1 million will get a whopping $90,000 check almost, merely taking a few thousand from that paycheck and providing Americans with the kind of security they deserve.

Frankly, Mr. Speaker, while we speak on this floor with two or three Members, Rome burns, terrorists are planning, cells that terrorists have are in the United States, terrorists are walking across the border, and terrorism is much rampant around the United States and around the world. Why? Because this administration is doing nothing about it.

So I come to the floor today to talk about making sure that Homeland Security protects neighborhoods and communities and ports and cities and school districts.

This is not a joke. This is not about a mere political question in the State of Texas where those who did not want to be struck up and hung by the Republican Party used their constitutional rights and left the floor of the House. This is about an OIG report that comes to the United States Congress with all these black marks in it. There is no truth in these reports. They are not telling us the truth. They are hiding the truth. And yet the people on this floor and the people who run these committees refuse to have an investigation to find out what the truth is.

Mr. Speaker, we need an amendment that has been rejected, that simply tells us to make sure that no homeland security funds can be used for the surveillance powers of the Department of Homeland Security for purposes not related to protecting homeland security. That is all we are asking. I would say that this is a rule that should be rejected.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, with some personal experience, having served 14 years in the Texas Legislature, and having many friends who serve in the Texas House, and having just been elected in the 2000 election, I felt compelled to come to the floor and offer some personal perspective on the, I think, highly improper and blatant partisan attacks that the Democrats are making that have absolutely nothing to do with homeland security.

The Inspector General has already made a report on whatever allegations the Democrats are making. The Inspector General has already determined that everything that was done was properly done. The majority leader's office has said repeatedly, and this is confirmed by the Inspector General's report, that there was no contact between the majority leader's office and the Department of Homeland Security. This is an irrelevant distraction from the core important work that this Congress and the Nation must do in protecting our borders, in preventing people from coming across the border who might pose a threat to the security of this Nation.

The Democrats in Texas who walked off the job in the regular session of the legislature did so in a way that the public in Texas, the people of Texas recognized was improper; that it was wrong for them to walk off. And in fact it is incredible to me that the Democrats who walked off the job did so in a way that completely defied the majority will of the people of Texas.

Since Reconstruction, since 1876, the Democrats have controlled the State of Texas. We just elected a new Republican majority to the Texas House. The Texas Senate is now Republican. Our Governor is Republican. The Federal courts have controlled our prisons for up to 25 years. I led the effort to regain control over our Texas prison system from Federal Judge William Wayne Justice. Our State courts control our school finance system. Federal courts control our mental health hospitals in Texas. And it is entirely proper, in fact it is essential under our constitutional republican form of government that the people control their institutions, that the people control the way their congressional districts are drawn, and a majority of the people of Texas elected a Republican Legislature to pass Republican legislation.

Now, I can attest, as the Republican whip in the Texas House, that I still have tread marks on my back from being run over every day by Ann Richards and Speaker Pete Laney. I always

got right back up and dove into the fighting, fighting the tax increases the Democrats passed repeatedly in Texas, fighting Ann Richards and the Democrats' creation of the first income tax on businesses in Texas. I got right back up after they passed those new tax increases, and I did not give up and walk out. It is a part of the process that you make your best argument in the legislative body, and if you lose, that is majority rule.

I think it is also very instructive that the Democrats chose to walk out to protect their own political hides. They did not walk out to protect some minority group or some special interest group they are so fond of. They walked out to protect their own political hide. It is very revealing for the people of the United States to see that the Democrats choose to pick up this kind of dust, to make this sort of distraction, to walk out and shut down the entire legislative process to protect their own political power, to protect their own political hides rather than to go and walk out or make this big statement in defense of some group or some budget cut that they might have disagreed with.

I think it is entirely appropriate that the Inspector General's report has shown that everything that was done was done so properly. And also, the Speaker of the House has authority in Texas, as the Speaker does here, to place a call in the House and use the law enforcement authority at his disposal to find members, to locate them and bring them back on the job. This House Chamber has been locked down before to keep Members in the Chamber so they would do their job, and it has been done several times in Texas.

In fact, while I was there, the Democrats did walk out once in protest over failure of the legislature to create a pre-kindergarten program, I think in 1991. But again, here they walked out to protect their own political skins. I urge the House to vote against this amendment.

Mr. FROST. I would inquire as to how much time remains, Mr. Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 3¾ minutes remaining and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 5 minutes remaining.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I had no intention of coming to the floor and speaking on this rule. I am a member of the Select Committee on Homeland Security, and I assume there will be plenty of time this afternoon for me to give my appropriate comments. But I have to just say to my colleagues that I am quite frustrated. I am a New Yorker, I am an American, and I lost friends in the World Trade Center on September 11. What I would like to say to my friends on the other side is, let us move on. Let us not use any more distractions in this process.

We waited a year, a year, to create the Department of Homeland Security because the other body, in its leadership from the Democratic Party, decided a year ago that they would rather play politics than go to the business of the people and go to the business of creating this Department of Homeland Security.

I listened to the esteemed ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), on the floor a little while ago. And I have to say that I have great disagreement on policy, but I appreciate and respect the fact that he is coming to this floor and talking about the substance of this bill and the issue facing the American people on this most critical issue.

Mr. Speaker, I would ask my friends, and implore upon my friends to allow us to move on and let us do the business of the people. That is what leadership is about, and that is what they expect of us.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is unfortunate that Members on the other side of the aisle and their colleagues in Texas sought to misuse Federal resources. Now, the Inspector General said, oh, but it was only 40 minutes, so it is no big deal. I would remind the gentleman on the other side of the aisle that the attack on the World Trade Center occurred in less than 40 minutes, and so Republicans in Texas sought to divert homeland security resources for 40 minutes.

What did they also seek to do? They also contacted the Department of Justice, tried to involve the FBI, tried to involve the U.S. Marshals Service, tried to involve the U.S. Attorney's Office in Texas. This was a blatant misuse of Federal resources, even if it were one minute. But it was not just one minute, and it was not just the Department of Homeland Security. It was other agencies of the Federal Government. They know it. It should never have happened and, hopefully, it will never happen again.

I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order two very important amendments that were submitted to the Committee on Rules last night and rejected by the Republican majority. Both of these amendments seek to protect the Department of Homeland Security against the type of political abuse it suffered when it ended up helping Texas Republicans hunt down their political rivals in a legislative dispute.

The first amendment, by the gentleman from Texas (Mr. EDWARDS), a member of the Committee on Appropriations, would require the Secretary of the Department of Homeland Security to implement written procedures for the use of personnel and resources for any nonemergency use of homeland security services; and would prohibit the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement from supporting Federal, State or local law enforcement or humanitarian efforts until that is done.

The second amendment, by the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Department of Homeland Security, would prohibit the Department from using funds for political purposes or for any other purpose not relating to protecting homeland security.

I am confident that all Americans and all Members of this House support this sentiment expressed in these two amendments. So I urge Members on both sides of the aisle to vote ''no'' on the previous question. Let me emphasize a ''no'' vote will not stop the House from taking up the Homeland Security appropriations bill. It will not prevent other amendments from being offered under the open rule. However a ''yes'' vote will preclude the House from considering these two very important amendments that are critical to protecting the Department of Homeland Security's ability to protect Americans against terrorism.

Also, assuming that the previous question passes, there will then be a vote on the rule, and I would urge Members at that point to vote against the rule so that the gentleman from Wisconsin (Mr. OBEY) will have the opportunity to offer his amendment to put money back in this legislation to do the things that should have been done originally.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. FROST. Again, Mr. Speaker, let me emphasize that to protect the Department of Homeland Security against political abuse, vote ''no'' on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are very proud of the legislation being brought forth today by the Committee on Appropriations. I know that the chairman, the gentleman from Kentucky (Mr. ROGERS), worked long and hard on this bill and deserves commendation by all of us as well as all the other Members that have worked so hard on this legislation.

Mr. Speaker, there are $29.4 billion in this underlying legislation for the Department of Homeland Security. That includes $4.4 billion for the Office of

Domestic Preparedness. Now, the resources that the Congress is appropriating for the Office of Domestic Preparedness constitutes an increase of 1,400 percent for that critically important issue since September 11, 2001. The Congress is doing its job.

□ 1245

I think all of us should and I am sure do praise the work of the Subcommittee on Infrastructure and Border Security, that has permitted them to bring forth this legislation. There is a very important initiative of the many new initiatives to protect the Nation that is being funded by this legislation, the Container Security Initiative, so that commerce, trade that we see in all the ports of America, those containers sent from abroad, that they be inspected before they leave the ports that they come from so that the security of the Nation is significantly augmented in that fashion. That Container Security Initiative is funded in this bill.

There are many other reasons why we should pass this legislation. I feel very proud of the underlying legislation and the fact that we are moving forward to increase the security of the American people. I urge support for the underlying legislation and this totally fair, open rule.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 293 RULE ON H.R. 2555: FISCAL YEAR 2004 HOMELAND SECURITY APPROPRIATIONS

At the end of the resolution, add the following:

''SEC. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Member designated. Each amendment may be offered only in the order specified in section 3. The amendments are not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendments referred to in section 2 are as follows:

(1) Amendment by Representative Edward of Texas or a designee:

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

LIMITATION ON USE OF PERSONNEL AND RESOURCES OF THE OFFICE OF AIR AND MARINE INTERDICTION

SEC. ____. (a) Congress finds that in May 2003 personnel and resources of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement were utilized in an improper manner to locate legislators of the State of Texas who were not in violation of any Federal, State, or local law, or in need of any emergency humanitarian assistance.

(b) None of the funds made available in this Act may be used to provide personnel or resources of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement to support Federal, State, or local law enforcement or humanitarian efforts until the Secretary of Homeland Security implements written procedures to provide such personnel or resources for such purposes. The limitation of the preceding sentence shall not apply with respect to the use of funds for a bona fide emergency situation.

(2) Amendment by Representative JACKSON-LEE of Texas or a designee:

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

SEC. ____. None of the funds made available in this Act may be used for political purposes or any other purpose not related to protecting homeland security, including for—

(1) use of the surveillance powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to—

(A) tap personal or business telephones; or

(B) otherwise monitor or record conversations or activity in any home, office, or other location; or

(2) use of the investigative powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to track automobiles, airplanes, or other modes of transportation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on ordering the previous question.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and on the motions to suspend the rules relating to H.R. 923 and H.R. 1460.

The vote on H.R. 1416 will be taken later today.

The vote was taken by electronic device, and there were—yeas 221, nays 196, not voting 17, as follows:

[Roll No. 301]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Boucher
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cardoza
Conyers
Cramer
Cubin
Feeney
Gephardt
Hulshof
Matsui
Ryun (KS)
Smith (WA)
Waters
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1306

Mrs. MCCARTHY of New York and Mrs. CAPPS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote and the remainder in this series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 220, noes 197, not voting 17, as follows:

[Roll No. 302]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Boucher
Brown, Corrine
Brown-Waite, Ginny
Carter
Conyers
Cramer
Cubin
Duncan
Feeney
Gephardt
Hulshof
Ryun (KS)
Smith (WA)
Visclosky
Waters
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1313

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WICKER. Mr. Speaker, on rollcall Nos. 301 and 302 I was inadvertently detained. Had I been present, I would have voted ''yea.''

PREMIER CERTIFIED LENDERS PROGRAM IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 923, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 923, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 303]

YEAS—416

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette

Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—3

Duncan
Flake
Paul

NOT VOTING—15

Ackerman
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Conyers
Cramer
Cubin
Feeney
Gephardt
Hulshof
Larson (CT)
Ryun (KS)
Smith (WA)
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1319

Mr. UDALL of New Mexico changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS ENTREPRENEURSHIP AND BENEFITS IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1460, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1460, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 304]

YEAS—421

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns

Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Brown, Corrine
Brown-Waite, Ginny
Conyers
Cramer
Cubin
Feeney
Gephardt
Granger
Hulshof
Radanovich
Ryun (KS)
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1331

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend title 38, United States Code, to improve education and entrepreneurship benefits, housing benefits, and certain other benefits for veterans, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed four votes in the House of Representatives on June 24, 2003. Had I been in attendance I would have made the following votes:

The Previous Question on H.R. 293, the Rule for H.R. 2555, Homeland Security Appropriations Act for FY04. Had I been in attendance, I would have voted ''yea.''

Passage of H. Res, 293, Rule for H.R. 2555, Homeland Security Appropriations Act for FY04. Had I been in attendance, I would have voted ''yea.''

Passage of H.R. 923, Premier Certified Lenders Program Improvement Act of 2003. Had I been in attendance, I would have voted ''yea.''

Passage of H.R. 1460, Veterans Entrepreneurship Act of 2003. Had I been in attendance, I would have voted ''yea.''

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 2555.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 293 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2555.

□ 1334

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic day. Only 4 months after the Department of Homeland Security was stood up, we now consider in the Congress the very first ever Homeland Security appropriations bill on the House floor.

The creation of the Department is by far the largest reorganization of the Federal Government in its history. Mr. Chairman, 180,000 employees, 22 security-related agencies merged into a single unit, agencies as diverse as the new Transportation Security Administration, FEMA, the Customs Service, the Secret Service, the Coast Guard, and some 18 other agencies throughout the government.

But, Mr. Chairman, I want to spend a couple of minutes talking about the breadth of the problem that we face.

On our borders, we have to protect ourselves: 2,000 miles of border with Mexico; 5,500 miles of border with Canada. There are 9,500 miles of shoreline. We have 157 ports of entry, 361 seaports. There are 440 million visitors who arrive in our country by land, sea, and air each year. There are 118 million vehicles that come here, 11 million of them trucks; 2.5 million railcars; and 17 million cargo containers that cross through our ports every year.

In transportation, there are some 768,000 commercial flights that enter the U.S. at 429 commercial airports, carrying some 635 million passengers a year. We have 18,000 general aviation airports. We have 143,000 miles of freight railways, 3.9 million miles of highways, and 550 major public transportation systems throughout our country. There are 590,000 bridges. There are 526,000 interstate trucking companies, 43,000 of them certified to carry hazardous materials.

We have 150 oil refineries, 86,000 miles of crude oil pipelines, 278,000 miles of natural gas pipelines. There are 66,000 chemical and hazardous materials plants. There are 1,800 Federal reservoirs. There are 9,300 power plants, including 104 nuclear, in our country.

And then there are all sorts of high-target, high-risk symbols of our Nation. We are speaking from one even as I talk now: the Capitol. We have the White House, the Washington Monument, the Lincoln Memorial, the Statue of Liberty, the St. Louis Arch, the Golden Gate Bridge, and on and on and on, including some 463 skyscrapers in our land.

I mention those facts, Mr. Chairman, to highlight the enormous challenge that we face as we begin to tackle our homeland security needs. Protecting American citizens from harm is the first and foremost duty of the Federal Government, and this awesome task largely falls upon the shoulders of the Department of Homeland Security.

This bill, Mr. Chairman, provides $29.4 billion for the Department. That is an increase of just over $1 billion above what we were asked by the President, and $535 million more than the current-year levels.

The bill recognizes that while the Department of Homeland Security has the lead in developing our national Homeland Security strategy, implementation of that strategy requires the active participation of State and local governments and the private sector.

When it comes down to it, homeland security, Mr. Chairman, is essentially hometown security; and it requires the active engagement of all Americans and all branches of government.

The bill before us today recognizes the role each stakeholder must play in this big mission. It funds not only the Department's first full year of operations, but also anticipated efforts of State and local governments and the private sector.

As we debate this bill today, I urge my colleagues to remember everything that has been accomplished since September 11. While some might suggest that we are not doing enough, I would say we are making tremendous progress in our war on terror. The glass is not half empty; it is half full.

Since September 11, we have provided $75.8 billion for homeland security funding across the entire government. For these 22 agencies that now make up the new Department of Homeland Security, we have provided $43.9 billion through fiscal year 2003; and in this bill, we add an additional $29.4 billion, bringing the total provided to the Department to $73.3 billion for fiscal years 2002 through 2004.

Protecting the Nation's borders is our first line of defense against terrorism. We include in the bill a total of $9 billion for border protection and related activities. That is an increase of $400 million over the current enacted levels, including $2 billion for the U.S.

Coast Guard homeland security activities. This bill makes innovative technology and capital investments a priority, recognizing that our borders will only be secure when we use a combination of people and technology.

Since September 11, 5,400 inspectors, special agents, and Border Patrol agents have been added to our borders, increasing coverage at ports by 25 percent. An additional 4,100 Coast Guard personnel have been hired to protect our ports and our waterways, increasing the intensity and number of inspections at ports of entry. We will continue to inspect 100 percent of all high-threat cargo and high-threat vessels coming into our waters.

We include $388 million for port security grants. The $100 million included in this bill is another down payment to secure critical port facilities, bringing the total funding since 9–11 to $488 million.

Since September 11, we have provided $263 million for technology, including radiation detectors for our ports and nonintrusive inspection technologies for cargo screening. These technologies have been deployed at our busiest land and sea ports, including Miami, Los Angeles, and Newark; and in this bill we add another $129 million for those technologies, bringing the total since 9–11 to $392 million.

We provide $60 million for the Customs Container Security Initiative, fully funding that effort since its inception. We include $62 million for that program, bringing the total funding to $122 million to support the participation of nearly all of the 20 foreign megaports from which we receive practically all of our cargo. This initiative targets high-threat cargo before it comes into our ports.

We also place in the bill a high priority on funding our State and local first responders. I believe it is essential that our State and local governments have the resources to address the needs of our hometowns. We include $4.4 billion for our first responders, law enforcement officers, firefighters, and emergency response personnel. And since September 11, Mr. Chairman, I want all of my colleagues to hear this: since September 11, the Congress has appropriated $20.8 billion in assistance to our State and local governments for terrorism prevention and preparedness.

□ 1345

That, Mr. Chairman, is an increase of 1,000 percent before 9/11. Despite that significant investment, there are concerns about how and when this money gets to both State and local organizations. I agree in some instances it is taking too long for those funds to get there and the complex process is complicated and cumbersome. We tried to address that in this bill. I am optimistic that this issue will be addressed as part of the final bill that is sent to the President for his signature.

Enhancing transportation security is a continuing concern. Since 9/11 we have provided a total of $10.38 billion for passenger safety through the Transportation Security Administration. Passenger screening, baggage screening, cargo screening, an additional $5.172 billion is included in this bill. Since September 11, $1.5 billion has been spent on explosive and trace detection systems, including the development, procurement and installation in our airports. We include in this bill an additional $335 million for the purchase and installation of these systems, as well as $50 million for air cargo safety and $40 million for research on next generation technologies at our airports.

Science and technology are critical to improving security, increasing efficiency and reducing costs. We include $900 million for science and technology, including $60 million, Mr. Chairman, to design develop and test any missile devices for our commercial aircraft. Other funds are targeted at research, development and rapid deployment of innovative technologies that our universities and other public and private organizations are already developing.

Lastly, the bill includes $5.6 billion over 10 years to encourage commercial development and production of medical countermeasures against bioterrorism, the so-called BioShield program. Funding in fiscal year 2004 is limited to $890 million. These funds will remove the barriers to develop next generation treatment for potential bioterror agents and will encourage the private sector to conduct the necessary research to counter bioterror threats.

Mr. Chairman, the bill before us today is the first Department of Homeland Security appropriations bill ever considered by these bodies. I believe it presents a well-balanced approach to tackling the job ahead. It invests in people. We invest in technology. We invest in partnerships. It funds efforts to assess our vulnerabilities and capitalize on our assets.

A lot of people would want us to spend tons and tons of more money, and believe me, if we thought it was useful to do so we would have no compunction against doing that. But there has got to be somewhere where we sensibly allocate our funds to our vulnerabilities and spend those dollars, but we should not spend money just for throwing it away.

I believe this bill is responsible, and I urge my colleagues to support this historic measure.

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

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

Mr. Chairman, first let me congratulate the gentleman from Kentucky (Chairman ROGERS) on the first homeland security bill and congratulate him on a job well done and also add my thanks to the staff, both minority and majority, for their hard work in putting this bill together. We really do appreciate their efforts.

Mr. Chairman, I rise in support of the fiscal year 2004 Homeland Security appropriations bill. But I must say that in many ways I think it is premature for this bill to be the first appropriations measure brought to the floor. The Department is in serious disarray, and the committee received very little support from the Department in putting together this bill and report. In fact, many of the agencies transferred to the Department were prevented by the Department from providing responsive information to the subcommittee.

Hearings could not even be arranged for four of the largest and most important of the Department's 11 major agencies. Those four agencies constitutes $9 billion, or 31 percent, of the Department's total budget. And I must say that that is an additional reason for thanking the staff, both minority and majority of this committee, for putting a bill together with the lack of information coming from the Department.

In some ways the current state of the Department of Homeland Security reminds me of the situation we faced 1 year ago and still face today with TSA. The management failures of TSA are well known, and I fear that the Department of Homeland Security is going down the same path. The Department so far has failed to develop a useful road map of its security goals for the Nation. If anyone at the Department has a strategy for basic objectives, such as securing the northern border, tracking all vessels entering American waters, or ensuring that airline cargo is effectively screened, no one has been willing to share that information with us. I find that disturbing.

If the Department will not define its goals, it is up to the Congress to do them. This bill provides $29.4 billion in discretionary budget authority for the Department of Homeland Security. This is only $536 million, or 1.8 percent, above fiscal 2003 funding. The gentleman from Kentucky (Chairman ROGERS) has managed to fill some of the most glaring funding gaps contained in President Bush's 2004 budget, specifically funding for first responder programs contained in this bill. However, the tightness in the budget resolution restricts this bill from doing more to protect our borders, secure our ports and other critical infrastructure. This does not serve our Nation well.

In conclusion, while I support the bill overall, I have many concerns with the current abilities, or rather inabilities of the Department of Homeland Security to adequately address obvious homeland security gaps.

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

The CHAIRMAN. Does the gentleman from Tennessee (Mr. WAMP) seek unanimous consent to control the time of the gentleman from Kentucky (Mr. ROGERS)?

Mr. WAMP. Yes, Mr. Chairman.

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

There was no objection.

Mr. WAMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman yielding time.

I rise in strong support of the bill. Mr. Chairman, as you know, when we made the recommendation to reorganize the Committee on Appropriations, it was a major reorganization, the biggest reorganization in many, many years, and it was the right thing to do. When I selected the gentleman from Kentucky (Chairman ROGERS) to chair this subcommittee, it was the right choice. He has done a tremendous job in understanding the issues and in bringing together all of the various agencies that are involved in homeland security.

This is a good bill. There are some who will say that it is too much spending, and others who will say that it is not enough. You are going to hear that on all 13 appropriations bills. I tend to think we are just about in the right place on all of the bills.

Today we are focused on homeland security. On Friday we will consider the Military Construction appropriations bill. We have already marked up in addition to Homeland Security and Military Construction, after about a 4-week delay in getting approval on the budgetary levels, the Interior, Agriculture, Labor-HHS, Legislative and Defense appropriations bills in subcommittee.

Tomorrow we will mark up the Labor-HHS bill, the Interior bill, and the Agriculture appropriations bill in the full committee.

On Thursday we will mark up the Defense appropriations bill and the Legislative Branch appropriations bill in full committee. So for the Members' interested in having some idea of our schedule, we plan to have those bills through the House before the August recess.

The committee, once we were freed up from the hold that we had due to budgetary issues, has moved quickly and in a very responsible way, and I am happy to report, Mr. Chairman, that in addition to this good bill we are considering today, the Military Construction bill, which is also a good bill, will be considered on Friday and the Committee on Appropriations is well underway with the eleven other bills and has a very aggressive schedule.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the committee.

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

Mr. Chairman, it is difficult to know how to handle the money in this bill because in my view the reorganization which took place leaves us with still a very discombobulated set of agencies, and it also I think has confused people about what our priorities are.

I am proud of the fact that on four separate occasions this Committee on Appropriations on a bipartisan basis tried to add additional funding for key homeland security items even though on each of those four occasions the White House opposed our efforts. But I want to tell you that today I think the chairman has produced a perfectly reasonable bill provided that we think that the status quo is all right given everything that has happened.

My problem is that I and my staff and the chairman of the full committee and his staff, have had extensive conversations with virtually every one of the national securities agencies in this country. And we got from them a year ago, a year and a half ago, and we have gotten from them as recently as a few weeks ago, their honest best estimates about where we need additional support in order to increase security of people on the home front.

The problem we have today is that we cannot put the resources in this bill that we ought to be putting in because the Congress, the majority party in the Congress, has decided that instead their number one and virtually only priority is tax cuts. And those are skewed mightily to the most well-off people in this country.

And the problem is that when you decide that you are going to put a trillion dollars into tax cuts, then that means that money is not available, not even a portion of it, to use to deal with our high priority needs at home, be they education or health care or, in this case, homeland security. And so what happens is that because of the way the budget process is handled, the public never gets to understand what the linkage is between the tax cut decisions that were made by this Congress and the linkage with these funding limitations for high priority security items.

So very simply, I will be trying to offer an amendment that does a number of things. We will add about $400 million to the Coast Guard for port security grants. The Coast Guard estimates that their long-term needs are for $4.4 billion. We think we ought to do more than just add $100 million to it under those circumstances.

We would increase our share of funding, the share of the Federal contribution for port facility security needs. The problem is, if we stay with the $100 million contained in this bill, it will take about 20 years to close the need in the estimate of the Coast Guard.

We also provide $100 million to implement the Maritime Transportation Security Act to improve and analyze vessel threat information.

We also add $100 million to the Customs inspectors so we can have 1,300 additional people inspecting containers shipped into the United States. Right now only 2 percent of those containers are checked. We think that is a needlessly reckless vulnerability. We are trying to increase by 6 percent the total number of inspector personnel. I think that is hardly out of line.

Then we add $200 million to try to improve northern border security. As I pointed out in the Committee on Rules, during Operation Liberty Shield, 10 aircraft came across the border without clearance even while we were patrolling that northern border by air. We have no idea who or what would have been in those planes.

We proposed to pay for this funding by reducing the size of the tax cut that will go to those with incomes of more than a million dollars next year. We proposed to reduce the size of their tax cut by 6 percent so that instead of getting $88,000 on average, they will get $83,000 per average. That is hardly putting them in the poor house. But it would enable us to reestablish additional support for these crucial investments.

I would urge the House to allow us to consider that amendment because the public has a right to know which of us are for it and which of us are against it. They have a right to know whether we put tax cuts for wealthy people ahead of the security of this Nation.

□ 1400

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the Subcommittee on the District of Columbia.

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

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in strong support of the fiscal year 2004 Homeland Security appropriations bill. This bill is a first of its kind but, more important, in the history that is being created with this first-ever homeland bill is the fact that this bill, simply put, makes America and my home State of New Jersey a safer place.

We in New Jersey and New York and the New York metropolitan area know better than most how vulnerable an open and free society can be. We put a very human face on the homeland security issue, as 700 New Jersey citizens went into Lower Manhattan that terrible morning on September 11, 2001, and never came home again, and many more people in New York City as well and residents from over 80 countries. This is all very personal.

These appropriations if spent and managed wisely may well prevent another catastrophic attack on American soil. While we can never really totally eliminate our vulnerabilities, this bill takes important steps to better protect our people and the infrastructure that carries them into and around New York City and over and under the Hudson River each and every day and protects people in other communities and cities around the Nation as well.

Notably, this historic bill recognizes that, while the Department of Homeland Security has the lead in developing our national homeland security strategy, implementation of the strategy requires the active collaboration

and contributions of all States and municipal governments, and the private sector as well. It also recognizes that many of the agencies merged into the Department of Homeland Security in March have traditional missions.

For these and other reasons, Mr. Chairman, I support the passage of this appropriations bill.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I am pleased to participate in this first-ever debate on the Homeland Security appropriations bill. I want to commend the gentleman from Kentucky (Mr. ROGERS), the chairman; and the gentleman from Minnesota (Mr. SABO), the ranking member, for their leadership of our subcommittee and the fine staff, majority and minority, for their good work.

Our task was to develop a budget where none had previously existed for a Department that is struggling to master its mission. Hearings could not even be arranged for many of the largest and most important of the Department's 11 major agencies. As a result, we did not have the benefit of questioning important agencies such as Immigration and Customs Enforcement, Citizenship and Immigration Services, Information Analysis and Infrastructure Protection, and Office of Domestic Programs. Those four agencies alone constitute 31 percent of the Department's total budget.

The bill before us today provides over $35 billion for the new Department, which is $1 billion over the administration's request. In addition to providing for big-ticket items such as $5.6 billion for Project Bioshield, it provides $4.4 billion in grants to our first responders, which is 25 percent more than the President requested, and $900 million for the science and technology directorate to promote the research and development of security-related technologies.

I am also pleased with the attention paid to the equally important nonhomeland security traditional missions of the many agencies now incorporated in this new Department. For example, the bill before us today rejects the administration's proposal to discontinue the section 404 postdisaster hazard mitigation program and combines it with $200 million for predisaster mitigation activities to both learn from the past and prepare for the future.

I am also encouraged that the bill recognizes the potential of our Nation's institutions of higher learning: $80 million is included for the rapid development of promising homeland security technologies by universities, national laboratories, nonprofit institutions and private companies, as well as $35 million for university and fellowship programs, including $25 million for the creation of university-based centers of excellence.

There are, however, Mr. Chairman, ample grounds for concern: for example, the security of our Nation's ports. Despite no request from the administration, the subcommittee has appropriated $100 million for port security grants to shore up our significant vulnerabilities there. Unfortunately, our Republican friends rejected a Democratic amendment that would have added $500 million toward the $4.4 billion the Coast Guard estimates is needed for port facility security improvements. We would have paid for that by a small reduction in the tax cut going to people making over $1 million a year.

Still, the subcommittee has been assured and must continue to demand the completion of port vulnerability assessments at the Nation's 55 largest ports by the end of 2004.

I remain concerned, Mr. Chairman, with overall fiscal year 2004 appropriations for law enforcement and emergency services. Given the importance of our Nation's first responders to the security of our communities, I want to ensure that the overall funding levels for the Office of Justice Programs, Community Oriented Policing Services, (COPS), the Byrne grant programs, and related accounts remain at or above fiscal 2003 levels.

I support this Homeland Security appropriations bill with the expectation that other appropriations bills, unlike the President's budget request, will provide adequately for first responders. We cannot allow those on the front lines to fall victim to an appropriations shell game, giving with one hand, taking away with the other, to the detriment of our local communities.

Mr. Chairman, it has been over a year and a half since September 11. Much has been accomplished; yet many, many challenges remain. I rise today in support of this appropriations bill, while recognizing the progress we have yet to make in providing for the security of our homeland.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of our subcommittee, who has contributed much to this bill.

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

Mr. WAMP. Mr. Chairman, I want to make two points: one, if my colleagues like what they see with our Armed Forces and what they have seen in the last several months around the world in terms of our men and women in uniform, I want them to know that what we are trying to do with homeland security is essentially the same kind of bipartisan cooperation here in the Congress so that we adequately resource and establish the priorities for homeland security that mirror what we have done in the Congress to support national security throughout the years, so that the technology that is deployed and the efficiencies that are created, the accountability that is instilled in the Department of Homeland Security is the same as the Department of Defense, and it is difficult. We can always spend more money, but I want my colleagues to know that this bill adequately and effectively resources the needs that we have today.

I also want to point out that a lot is going to be said about tax cuts as we debate all of the appropriations bills, it already has been, but this is not a tax bill. We cannot cut taxes or raise taxes in an appropriation bill. We are charged with spending the money within the budget agreement, and that debate was in April. It obviously lingers here, but that debate was in April. Now we have the responsibility within the budget agreement to spend the money and set the priorities; and in doing so at homeland security, we have had extraordinary cooperation.

I salute the professional staff, I think one of the best staffs that has ever been assembled here; and it was important that we put the best people on the field that we could possibly find, on both sides of the aisle. Our committee work and our chairman and our ranking member, the leadership has been extraordinary; but this is such an important issue. It needs to be the best possible.

So we are off to a good start. Let us stay focused.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of our subcommittee.

Mr. SERRANO. Mr. Chairman, let me first simply say on a comment that we just heard on the House floor that it is related to taxes, because it is a simple mathematical equation. If we have less money to spend because we give it away to the rich, then we have less money for education, for housing, for senior citizens, and for homeland security; and this is a fact of life.

However, having said that, I want to take this opportunity, first, to thank the gentleman from Kentucky (Mr. ROGERS), the chairman, and the gentleman from Minnesota (Mr. SABO) for this historic moment in putting together this bill. This bill, in my opinion, has some deficiencies; but on the other hand, it is a historic bill. It is the first time we have attempted to put together a bill like this and to take care of a need. Therefore, Mr. Chairman, I rise in reluctant support of H.R. 2555.

On September 11, everything changed in this country. The savage attacks on New York and Washington brought home to America that the threat of terrorism at home was terribly real. Among the responses by Congress were the creation of the Department of Homeland Security and the reorganization of the Committee on Appropriations to oversee and fund the new Department. The gentleman from Kentucky (Mr. ROGERS) has ably taken up the challenge of chairing the new

House Subcommittee on Homeland Security. However, the leadership of this House has failed to give him or our ranking member the resources they need to do the job. The bill would not even provide enough funding to keep up with inflation, never mind step up the pace of improvements to our security.

As has been amply covered in other statements and is thoroughly demonstrated by the Obey amendment, which the Republican leadership through the Committee on Rules refused to make in order, there are gaping holes in our security, and at the rate we are going it will be many years before they can be filled. From ports to airport perimeters to our borders, we continue to face risk to our security that must be addressed, but cannot be, under this bill.

On a somewhat more parochial level, I am disappointed that we were unable to do more for grants to high-density urban and high-threat areas. Secretary Ridge just yesterday stated that he believed $750 million would be ''a nice place to start,'' not the $500 million now in the bill.

If I sound somewhat negative in my support of this bill, one needs to understand that I was there in New York on September 11. I saw the tragedy that took place. I saw the crime committed on our country, and the scene of the crime was New York; and so New York has had a tendency to know what it is that we need to deal with this issue because we saw it firsthand. That does not take away our respect for our chairman, our ranking member, the work of the committee.

Mr. Chairman, once again, I reiterate my support for the bill in the hope that as it continues to go through the Senate, it becomes the bill it should be.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a very distinguished and very helpful member of our subcommittee who contributed greatly to this bill.

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

Mr. LATHAM. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, first of all, I want to commend the gentleman for the great job that he has done on this bill. It is the first Homeland Security appropriation bill in history. We are charting new waters here, and I also want to strongly compliment the great staff that we have on the subcommittee. They have done just an outstanding job to bring this very difficult bill together with all the ramifications that we have.

All Members here should be keenly aware of how difficult this task is and how broad the jurisdiction is, trying to combine 22 different Federal agencies into one Department, have them communicate with each other, have them function together, have them understand their role is to cooperate with States and local governments to ensure our homeland security.

This is a bill unlike any other that we have; and as the Chairman has said so many times, we are successful when nothing happens. As we are spending all this money, if the final outcome is that everything remains quiet, we have been successful, and it is very difficult to judge exactly how many dollars need to go exactly where to complete our role, but I think the chairman and the subcommittee have done an outstanding job.

Mr. Chairman, I rise in support of this bill, and commend Chairman ROGERS for his attention to the many difficult issues we have discussed in our hearings on homeland security.

He has been given the tough job of putting together a spending bill for this new Department and this bill is a testament to his good work and the good work of the Subcommittee staff—they have done an excellent job under difficult circumstances.

Mr. Chairman, the approach the Subcommittee has taken with this bill has been one of strong support for the mission of this new Department and a scrutiny of the many requests and ideas put forth by Members and others.

I believe this has been the best approach because we are moving through uncharted territory. One of my concerns has been that—going forward with this new bill—we would put forth too much money in a way that would paint us into a corner before all of the most pressing homeland security needs became clear.

I believed early on—and still believe—the members of this Committee deserve to know the most efficient methods in which to deploy our Homeland Security resources.

We cannot appropriately fund programs that do not have understandable goals or clear justifications. Every State and Member of Congress should be aware of the pitfalls of adding monies to specific accounts because they feel they have the best answer to our Homeland Security problems.

Let me remind you. We are witnessing the infancy of a Department. There are few of us in this body who have been faced with the enormous and important task of funding a new Department of this size.

I am certain nearly every one of you has been asked to request funding for a specific appropriation for a specific homeland security project. I'm betting that most of you have been overwhelmed by the number of ''potential targets'' in your district.

Those of us on the Subcommittee share your concern. But, this bill is not about Congress making local security decisions—it is about making sure our local responders have a functional Federal agency to work with to solve those problems.

That said—as we move deeper into the process of providing for our Homeland Security, we are going to get a clearer picture of what our needs are. We will be in a better position to prioritize those needs.

Congress is not in a position to mess around with local funding matters. Until the Congress, the administration and our local providers have confidence in the long-term needs, I think the approach we are taking today—in this first year of funding for this new Department—is the correct one.

Again, I want to commend the Chairman for his work on this bill and I urge all of the Members of this body to support this bill.

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Mr. SABO. How much time is remaining on both sides, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) has 14½ minutes remaining and the gentleman from Kentucky (Mr. ROGERS) has 9 minutes remaining.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. SWEENEY), who has been a member of the subcommittee who has been extremely helpful to us in this bill.

Mr. SWEENEY. Mr. Chairman, I want to especially thank the chairman of the subcommittee for all his great work.

This is not just about the merging of 22 Federal agencies into one. This is not just about responding to the needs of first responders. This is not just about establishing a system that not only helps first responders but creates a system of first preventers. This has really been a monumental task undertaken to give direction to an entity, a notion, a thought about protecting the American people here at the homeland, something prior to September 11, 2001 we did not give a lot of time to and that goes well beyond anything this government has ever done. This is about first responders, this is about border security, this is about aviation and port security, it is about a Bio-Shield program, and it is about the four corners of defense.

I want to take my 1 minute to especially tell the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS), how thankful I am as a New Yorker, as an American citizen, as someone who lost friends and neighbors in the attack of September 11, for the commitment that he is honoring that we all made on September 11, 2001, for the great work that he has put into this, and for the fact that I feel greatly confident that as we go forward and need to make adjustments as this process evolves, that we have the right person in place at the subcommittee level.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 2555, the first annual appropriations measure for the Department of Homeland Security. This bill will help us equip our Nation to prepare for and respond to future disasters. But it is not enough. When it comes to protecting our citizens, we must move faster and we must be stronger.

One critical shortcoming facing us is the failure of the DHS Intelligence Director to fulfill its role as the agency's new nerve center. The effective operation of this unit is indispensable to

the success of the rest of the Department. Instead, resources are being allocated and priorities are being set without a reliable threat assessment that can be mapped against existing vulnerabilities.

We also continue to fall short of meeting our responsibility to first responders. Firefighters, police, health care workers and others on the front lines need our support to keep America safe. With dozens of States experiencing grave budget crises, first responders are more desperate than ever for Federal assistance.

In countless other areas, from port security to air cargo screening to computer interoperability, we are not moving fast enough and we have not become strong enough. We simply must make homeland security our top priority and devote the necessary resources to it.

Even at a time of mounting deficits, though, the administration and Republican leaders in Congress have found trillions of dollars for tax cuts for the wealthiest of Americans. I only wish the same determination were at evidence in this bill.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON), the hard working member of our subcommittee.

Mrs. EMERSON. Mr. Chairman, I wish to thank the chairman, the gentleman from Kentucky (Mr. ROGERS), for the tremendous job that he and his staff have done in putting together the inaugural Homeland Security appropriations bill and also for the honor of allowing me to serve on that subcommittee as well.

This bill does make a large investment in our Nation's first responders. We have added $888 million above the President's request for the Office of Domestic Preparedness, Firefighters and Emergency Management. This also includes another $750 million in firefighter grants, which has greatly been appreciated in Missouri and, in my judgment, is one of the most successful programs that FEMA and DHS have undertaken.

The bill also makes another important investment in intercity bus security by adding $10 million for this critical initiative. We also include over $5 billion for various transportation security initiatives to ensure that not only our airports continue to run smoothly but also our ports and our highways.

We make a large investment in the future by investing $900 million for science and technology. The funds will target research, development and deployment of innovative technologies that will help us protect the Nation well into the future.

So, Mr. Chairman, I want to thank the chairman again and also Michelle, Stephanie, Jeannie, Jeff, Brian, Tammy, and Tom for the great work they have done.

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

Mr. Chairman, one of the disappointments I had in this rule was it did not waive a point of order on what I thought was a very reasonable limitation on the development of CAPPS2. The gentleman from Kentucky graciously accepted that amendment in committee. I would hope that the folks who are objecting would not raise a point of order when we get to that in the regular bill.

The provision is a moderate attempt to make sure that this very, very large system of compiling information on the American public receives the closest of scrutiny and the closest of examination by GAO and others before it is implemented.

Our amendment left in place the money for the program, left in place the capacity of the Department to proceed with work on how they want to put the program together, but requires it be scrutinized by GAO and the Academy of Science to look at the privacy issues and also to look at its effectiveness. It has the potential to be the largest intrusion of the American government into the private lives of American people that has ever occurred. It also, on the other hand, has the ability to be a system that totally complicates our screening process if it is not done well. Rather than simplify, it may make our whole screening process more cumbersome and more costly and less effective.

If a point of order is raised, the only alternative we will have is to seek a pure limitation without the language. I would hope the House would adopt such a limitation, if that is the situation we find ourselves in, but I much prefer we preserve the language which is for new activity of the Department, one not specifically authorized with guidelines by Congress. It is a new activity that the Department is pursuing and we simply want to put some regulations in place as they move forward to make sure this whole new large complicated program is put in place in a fashion that would work.

I might remind people this is an agency that has had trouble figuring out whether their own workforce has had criminal involvement in the past. They are struggling to make sure that their personnel do not have criminal backgrounds. They have not succeeded doing that yet. So we should be a little cautious before we give them a blank check to move forward with a huge new complicated screening process of the American public.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), another hard-working member of our subcommittee.

Ms. GRANGER. Mr. Chairman, one of our greatest strengths as a Nation has always been our ability to move people and products more safely and efficiently than anywhere else in the world. Unfortunately, as we saw on 9/11, this strength makes our transportation infrastructure a tempting target for terrorists.

Those hijackers that turned four planes into missiles were not just trying to kill thousands, they were also trying to restrict our freedom of movement, our way of life. As people travel more and more, and further and further for business and pleasure, the potential for a large-scale loss of life and an attack involving an airplane, boat, train or truck grows.

While protecting innocent lives is our top priority in homeland security, we all know that serious economic consequences can result after a terrorist attack when it disrupts the flow of goods and people in America's transportation network. These disruptions do not just cost money for big corporations with stranded products, they raise grocery prices for families, cut the earnings of farmers, and cause small businesses to close their doors.

In recognizing the importance and vulnerability of America's transportation infrastructure, Congress has moved quickly to strengthen transportation security. Since 9/11, we have provided more than $10 billion to safeguard and will add $5 million more in this legislation.

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

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) has 10 minutes remaining and the gentleman from Kentucky (Mr. ROGERS) has 6 minutes remaining.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mr. SWEENEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from New York, my good friend, for a colloquy, who will then yield back to me.

Mr. SWEENEY. Mr. Chairman, I intend to do just that, and I thank the gentlewoman for yielding to me.

Mr. Chairman, I rise to enter into a colloquy as well with the gentleman from Kentucky, the chairman of the Subcommittee on Homeland Security. The chairman, who I have had the pleasure of working with, has done a great job, as I said before on this bill, and I thank the gentleman for the inclusion of high threat funds in this particular bill and actually for having created the fund in the first instance. But I wish to highlight some concerns I have with the current distribution formula.

The City of New York spends $13.5 million a week, $700 million a year on extra police protection during its current state of alert. That amounts to more than $1 billion since September 11. And I am not talking about money that the city would spend anyway for police protection. I am talking about the net additional amount New York

spends to protect against terrorist attacks.

New York's needs were highlighted as recently as last week when news of an al-Qaeda operative was arrested for plotting to sever the cables on the Brooklyn Bridge. The operative said one of the main foils to his plan was the added security around the bridge which prevented him from acting.

One of the reasons terrorist prevention needs are not met by some cities is because of the formula the Department uses to distribute funds. I know this is an authorizing issue more than an appropriations issue, but no first responder discussion is complete without recognizing the current formulas, which do not provide enough emphasis on the threat information.

The President and the administration at times have said they support a threat-based distribution of first responder funds in this national strategy for homeland security, and it is my hope this Congress moves quickly to enact a new threat-based formula to apply to first responders.

I recently introduced a bill to reform the first responder formula to reflect today's realities, and that bill would lessen the impact of allocating funds based on geography in favor of a quantitative assessment of threat information, vulnerability and consequences. We are dealing with serious people and we need a serious formula.

I know the war in Iraq is over, to whatever degree, and the national threat level has decreased since then, but last week's news stories prove we must remain vigilant in our fight against terrorism, particularly in New York, and I cannot stress strongly enough the need for focusing first responder funds on high-threat areas. It is no secret where the terrorists are focusing their resources, and I would ask the gentleman from Kentucky how he can address the concerns I outlined if the gentlewoman from New York will yield time to the gentleman from Kentucky.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky (Mr. ROGERS) for agreeing to enter into this colloquy, and I wish to associate myself with the remarks of my colleague from New York.

We in New York have been bracing for another terrorist blow since September 11, and all of America has experienced that anxiety. I know the chairman is totally committed to doing everything possible to protect our communities against any potential attack.

□ 1430

It is my understanding from both Federal and local intelligence briefings that New York is still acknowledged to be the top target for terrorism. I believe that New York City and other cities across our country, including Yonkers, New York, in my district, need dedicated resources to protect sites of national significance and critical infrastructure.

I agree with Secretary Ridge that we must distribute Federal funds on the basis of threat of terrorist attack and need, as well as population. That is not to say that States without high-density urban areas do not have important security needs. Our resources are limited, our responsibilities enormous, so we must be strategic; and I hope that the number of us who represent high-threat, high-density urban areas can work with the gentleman to examine this issue.

I appreciate the leadership of our chairman, and I thank the gentleman from New York (Mr. SWEENEY) for his hard work.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman and gentlewoman for this colloquy and applaud the fight they have led for New York, which is one of the reasons we enacted a total of $800 million for high-threat, high-density urban areas in fiscal year 2003.

Of that $800 million, New York received $186 million to assist first responders with the increased security costs associated with the war in Iraq and Operation Liberty Shield. I am aware of the concerns the formula has generated. I assure my colleagues I appreciate the degree to which New York is a target and the expenses New York faces. I am also aware of those rural areas that rely on the basic formula grants to fulfill their first responder requirements. I believe any reform to the formula must ensure that these rural areas are not abandoned. I will work closely with the gentlewoman and the gentleman as the bill progresses to conference on these and other matters.

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

In relationship to our latest colloquy, I understand the concern of people over the situation in New York. They clearly have unusual problems. Would the chairman agree with me that we do not know precisely how the agency sets criteria for the balance of funds in this particular discretionary program?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Only in a general sense. The presence of high-risk infrastructure, the urban intensity of the region, we leave it to the discretion of the Secretary, as I think we should, rather than some formula. As the gentleman knows, we have been working together.

Mr. SABO. Mr. Chairman, we have a little trouble getting a precise understanding of what criteria are used.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct, but I think in due course of time, perhaps before the bill finally reaches the President, we will have found out more.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Chairman, we consider today, of course, for the first time the appropriations for the new Department of Homeland Security. Just as the new Department is taking its first steps to make America safer, we are also embarking on an effort to try to secure the resources that we need for the longer term to ensure victory in the war against terrorism. This bill is a good start, and I support dedicating resources above the President's request to prepare our communities by training and equipping first responders and securing our ports and our transportation systems.

However, as we have been finding in the hearings before the Select Committee on Homeland Security, serious deficiencies remain in the Department's ability to carry out its mission of protecting all Americans from those harms that could come our way through terrorism. Testimony before our Select Committee on Homeland Security revealed that there is one, precisely one, person in the Department of Homeland Security assessing the bioterror threat to America and determining how to match that threat against our vulnerabilities and then make plans to protect America from bioterrorism.

It is clear we must move faster and we must be stronger to protect America. We have learned that, while over 4,000 port facilities and 10,000 ships that enter our ports are required to undergo security reviews, there is no funding to fulfill that mission. We must move faster and be stronger. We have learned that there are serious gaps in coverage on our northern border. There is on average only one person guarding every 16 miles of our Canadian border. The PATRIOT Act called for tripling the forces to protect our northern border, and the 2002 Border Security Act goes even further, but gaps still remain. We must move faster, and our forces must be stronger.

Mr. Chairman, just a few months ago this Congress voted to spend $65 billion to prosecute the war in Iraq. We spent those funds to make sure that our forces had the best training and the best equipment possible. We need to make the same commitment to those who fight on behalf of homeland security today.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) have done an extraordinary job in bringing to the floor a bill that has

as its object the most important function of the Federal Government, protecting these United States from attack. Nothing that we do is more important.

The $29 billion in this legislation for the coming year is nearly 4 percent more than the President requested. It is $250 for every single taxpayer in America. It is an extraordinary amount of money to meet the new challenges of the post-September 11 world.

The $4.4 billion in this bill for first responders is nearly $1 billion more than the President requested. We have in fact in this Congress increased funding for first responders by more than 1,000 percent since September 11.

The Select Committee on Homeland Security, of which the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) are valued members, have had hearings and field investigations of the problems of getting these monies to our first responders on the front lines. The pipeline is the problem. That money is not getting to where it belongs.

That is why, in addition to the work that we can do in this bill as we go forward in conference, the Select Committee on Homeland Security will also be bringing to this floor legislation to unclog the pipeline and better distribute these monies on a threat basis, the way we have always done it for national security. We will streamline the grant process and base it on the principle of threat analysis.

I commend the chairman for the resources and direction provided in this legislation to ensure an intelligence analytical capacity within the Department of Homeland Security to meet not only the biothreat, but all of the threats to our homeland security that we face. This is an enormous amount of money. We now face the task of making sure that it is wisely spent. In the exercise of our oversight function, we will do just that. Our Nation's freedoms and our way of life depend upon it.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a distinguished member of the Committee on Appropriations.

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

Mr. HOYER. Mr. Chairman, I rise to talk about the Obey amendment which will be offered shortly. The Obey amendment puts before the Congress of the United States, before our Republican colleagues and before our Democrat colleagues, the question of what options do we want to pursue. The gentleman from California (Mr. COX) has said that the most important objective is keeping our homeland secure, keeping America and Americans safe.

The Obey amendment says do you care more about giving tax cuts to those at the very upper ranks of taxpayers, or do you care about keeping ports, airports, bridges and roads secure? It is a very simple question. It is a question, though, all of us must answer; and we must answer them with the responsibility to the American public that we have uppermost in our minds.

Mr. Chairman, I urge my colleagues, I urge this House to allow the gentleman from Wisconsin (Mr. OBEY) to offer this amendment and to support this amendment and to say to America, we are prepared to protect you.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) and congratulate the gentlewoman on Rice's victory in the NCAA baseball tournament last night.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his vision and knowledge of that great sport of baseball, and let me congratulate the Rice Owls. We are excited and delighted that we have such national respect.

I rise to be able to add my support for the Obey amendment. Having just come back from field hearings in Long Beach and Los Angeles with the Committee on Homeland Security, I assure Members it is crucial to get funds in the hands of our local responders; and I use that terminology because I believe it means not only the first responders of firefighters and law enforcement, but nurses, doctors and hospitals, school districts and local government, city and county. That is why I have asked for amendments that I have offered to be made in order that in fact we expedite and simplify the regulatory maze that is required of these entities to get funding right on the ground.

It was amazing from a helicopter overview to be able to see how close residential communities are to sites of potential terrorist acts. We must act now to ensure that our first responders are the first ones that are taken care of to protect our neighborhoods. We need to move forward.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to offer an amendment to the Homeland Security Appropriations Act.

This germane amendment would direct the Secretary of Homeland Security, in conjunction with the appropriate federal agencies, such as the Federal Transit Administration, to determine the percentage of frontline transit employees who have received training in emergency preparedness and response training.

This amendment would have also directed the Secretary of Homeland Security is to Report to Congress no later than 90 days after enactment of this legislation the percentage of ''frontline transit employees'' who have received emergency preparedness and response training.

In addition, the Secretary of Homeland Security would coordinate with the appropriate federal agencies such as the Federal Transit Administration and provide recommendations on what training on emergency preparedness and response training shall be provided to ''frontline transit employees.''

Mr. Chairman this amendment would have provided this new agency with guidance for years to come.

Understandably, we are all grappling with setting priorities and funding levels for new security programs and emerging threats.

By establishing a baseline of what security training our transit workforce needs, it will assist us in establishing priorities and funding levels in future years.

But make no mistake about the importance of establishing a comprehensive transit security-training program for our nation's frontline transit employee workforce.

We need to start now in order to properly plan for the future.

For years, governments around the world have recognized that public transportation is a major terrorist target.

Until 9/11 the United States has been largely spared the kinds of terrorist campaigns waged against public surface transportation.

However, we cannot wait for a tragedy to happen to prompt us to address our vulnerabilities. We must act now!

An October 2001 study released by the Mineta Institute, Protecting Public Surface Transportation Against Terrorism and Serious Crime: An Executive Overview cites that between 1920 and 2000 there have been approximately 900 terrorist attacks and other significant criminal incidents involving public surface transportation systems.

However, all but 14 of these attacks occurred after 1970, the year that marks the beginning of modern terrorism.

Attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks, according to the most recent statistics provided by the USDOT Office of Intelligence and Security in 1998.

Again, Mr. Chairman, I offer my statement for the RECORD.

Mr. BLUMENAUER. Mr. Chairman, hometown security should be our number one priority to ensure the American public is safe from terrorism—both domestic and foreign.

The federal government has made significant commitments, but unfortunately these have been more show than substance. The most recent example is the budget for the homeland security appropriations. I know from my own experience that there are vast unmet needs in every community around the country, and Oregon is on exception. The federal government should be helping communities to pay for the costly precautions that local governments must take to respond to high level security alerts, the effects of which ripple through crippled local budgets. We have yet to make local governments whole from the federal government imposed shut down of airports following September 11th. There are vast and clear needs for the Coast Guard which this budget virtually ignores.

We are lavishing hundreds of billions in tax relief for those who need it the least when we are investing billions of dollars in questionable military expenditures, like theater missile defense or Star Wars. It inexcusable that we do not do a better job of listening to and meeting the needs of our local communities around the country. I, in good conscience, find it very hard to vote for this appropriation and hope that we will send the message that Congress should step up and make its action match its rhetoric and the need.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in strong support of H.R. 2555, the Fiscal Year 2004 Department of Homeland Security Appropriations Act.

This important legislation provides $30.4 billion in funding for the upcoming year, $1 billion over the Administration's request, including $4.4 billion for grants to the police, firefighter and emergency medical personnel that are on the front lines of our nation's homeland preparedness and emergency response. In addition, I am pleased to see in this legislation a timeline to expedite the allocation of these resources within 120 days of passage of this Act.

We have heard today, Mr. Chairman, and will continue to hear that there are simply not enough funds included in this bill to achieve our goal of making our homeland secure. The fact, however, is that to date the federal government has spent $20.8 billion for our nation's first responders, and we will continue to fund what is necessary to ensure they have the training, equipment and resources necessary to do their job.

We in this House know full well that money spend does not simply translate into increased preparedness. This in only a start, and we must continue to be vigilant in not only appropriating adequate funds, but ensuring that these funds are administered strategically as part of a comprehensive plan to address our nation's vulnerabilities and needs. We must remember that while the Department of Homeland Security develops our national homeland security strategy, the implementation and the ultimate success of that strategy rests with our state and local governments.

In closing, Mr. Chairman, the protection of the American citizens is the first and foremost duty of the federal government, and this Congress will continue to work with the Administration, and our states and localities to this end. This bill is a solid next step for our nation's emergency preparedness and response capabilities and I urge my colleagues to support it.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the Obey amendment to add an additional $1 billion to H.R. 2555 to help fill critical homeland security deficiencies and urge my colleagues to support its adoption.

Mr. Speaker, the bill before us would provide $30.4 billion for operations and activities of the Department of Homeland Security in Fiscal Year 2004 and permit the Department to use an additional $4.8 billion in Immigration and air passenger fees.

Whether these amounts are sufficient for the Department to successfully carryout its mission is difficult to know because the Department has provided the subcommittee and my own Select Committee on Homeland Security with very little information about their mission and overall plan of operations. In fact, budget justifications for many important activities within the Department were not submitted for months after the President's budget was released and hearings could not even be arranged for four of the largest and most important of the Department's eleven major agencies.

This is very troubling, Mr. Speaker, particularly in light of the enormity of the Department's mission to protect the country from terrorist attacks.

Equally troubling is the denial by the rules committee of an amendment which was offered by our colleague the Ranking Democrat of the Appropriations committee, DAVE OBEY, to provide an addiitonal $1 billion to help fill critical homeland security deficiencies. The Obey amendment would have added an additional $400 million to the bill for additional port security grants. The Coast Guard has reported that it needs approximately $4 billion more than the $463 million that has been appropriated since September 11th for port security improvements.

In my district, the highest priority for securing our territory against attacks has been and continues to be the establishment of a ''Border Patrol'' unit for the Virgin Islands.

Working in coordination with our U.S. Attorney's Office, the U.S. Customs' Service, the F.B.I., the Transportation Security Administration, and the U.S. Coast Guard, the Government of the Virgin Islands is in the final stages of developing a strategic anti-terrorism and Homeland Security plan for the territory. A critical component of any such plan will require additional resources for our federal agencies, especially the Coast Guard which has to oversee what maybe the busiest cruise ship port in the Caribbean—the port of Charlotte Amalie, St. Thomas. Additionally, the Coast Guard is also called upon to inspect the several ships that visit our waters daily, as well as, the pipes that lead from the ships to the tanks on land. Their search procedure for all ships follow international law and regulations differ for each different type of ship.

In addition to being the location of the busiest cruise ship ports in the Caribbean, the U.S. Virgin Islands is also home to HVENSA, the largest oil refinery in the Western Hemisphere, which regularly receives a number of very large tankers.

The Coast Guard has requested the establishment of a Border Patrol Unit for the Virgin Islands to better enable them to meet their several mandates for protection of our coast, which includes 175 miles of unprotected open borders and is the gateway to the United States as its southern most border.

Enactment of the Obey amendment would have significantly increased the likelihood that the Virgin Islands would receive a critically need border patrol unit.

Mr. Chairman, the Democratic members of the Select Committee on Homeland Security have been seeking answers to a number of fundamental questions about the Department, since the committee's inception. We have been trying to find out whether the Department is fulfilling its responsibility to better coordinate and access threat information and ensure that in the event of a terrorist attack, federal, state, local and private entities are prepared to respond to the event. These questions and others remain unanswered and the bill we are debating today unfortunately does very little to help us receive them.

I urge my colleagues to adopt the Obey amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of H.R. 2555, the Homeland Security Appropriations Act of 2004. As a member of the Homeland Security Subcommittee, it has been an honor to take part in the formulation of the new Homeland Security Department. I would like to commend our Chairman, HAL ROGERS, and our Ranking Member, MARTIN SABO, who under tight fiscal restraints did the best job possible putting together this first appropriations bill for the new Department of Homeland Security.

The Department of Homeland Security has had both success and failures. It has been successful in unifying principal border and transportation security agencies, coordinating a network of disaster response capabilities, and creating a central point for the analysis and dissemination of intelligence pertaining to terrorist threats. Beyond that however, the Department has failed to develop a useful roadmap of security goals the Department seems critical to protecting the homeland, such as securing the northern border, tracking all vessels entering American waters or insuring that airline cargo is effectively screened.

As a result, many of the windows of opportunity for terrorist organizations such as al Qaeda are nearly as wide open today as they were on September 11th. Of equal concern, is the fact that the Department seems to be stalled in its ability to put in place a program to close those windows open to terrorist attacks.

Overall this bill provides $29.4 billion in discretionary funding for fiscal 2004. That is only about 1.8 percent above the overall funding level allocated to agencies within the Department for fiscal year 2003. The Congressional Budget Office however, forecasts that prices will increase during the current fiscal year by 2.3 percent. As a result, the bill actually provides funding for the coming year that in terms of real dollars is about $150 million below current levels.

Mr. Chairman, cities such as my hometown of Los Angeles are the ones who must bear the brunt of this inadequate funding. Los Angeles is one of the largest cities and metropolitan areas in the country, and is considered to be one of the most ''at risk'' areas for terrorist attacks. With one of the world's largest port complexes and a major international airport, Los Angeles has heightened vulnerability to potential terrorist attacks.

Without adequate federal support, protecting our cities and towns is extremely costly and causes tremendous hardship on local governments. For example, Los Angeles officials have reported to me that during the days of the three Orange threat levels, the city registered $7.2 million in additional security costs. This figure includes additional costs for areas such as our city airports, our port, our public utility centers, our convention center and our police department. Although I am pleased that today's bill provides $500 million for ''high threat urban areas'' like Los Angeles, clearly this does not provide the funds needed to address the security needs of Los Angeles and other highly vulnerable urban areas.

In addition to representing the downtown portions of the City of Los Angeles, I also represent nine smaller municipalities including Downey, Commerce, Bell Flower, Huntington Park, and Vernon. Like other small cities and rural communities across the nation, these smaller cities are often overlooked in the urgent rush to protect the homeland and to establish emergency preparedness plans. These smaller cities, have increased security needs since September 11, 2001, and have also had to incur additional costs in response to our nation's heightened security alerts. Protecting our small cities is just as important as protecting our large cities, and national landmarks. To highlight this fact, I successfully included language in the bill's report which establishes a process that ensures local governments will be included in the development and

review process of each state's emergency preparedness and security response plan.

Mr. Chairman, another areas of concern is the fact that the funding for our nation's commercial seaports continues to be dangerously inadequate. Our ports are one of our nation's most vulnerable assets. Yet this administration, and the leadership of this Congress continue to underfund our ports. While critics focus on the cost of providing this security, I want to highlight the cost of not providing this security. The labor shutout at the port complex of Los Angeles and Long Beach last fall is estimated to have cost $1 billion per day nationwide. This was only one port complex and yet the daily cost was staggering. If our ports experience a terrorist attack, international commerce would grind to a standstill. The Coast Guard has estimated that the infrastructure security needs at our ports will cost $1 billion in the first year and some $4 billion over a ten year period. Yes, this bill provides only $100 million in port security grants.

Congress was swift about providing funding to secure our nation's airways following the events of September 11, 2001. We must not wait for a similar tragedy at one of our ports to finally provide the necessary security funds.

Mr. Chairman, I must also express my displeasure that the Homeland Security Subcommittee was unable to hold a budget hearing with the Bureau of Citizenship and Immigration Services. This bureau was created under the Department of Homeland Security. Its responsibility is to build and maintain a service system that provides immigration information and benefits to the more than seven million annual applicants in a timely, accurate, consistent, courteous, and professional manner.

Having never met with Mr. Aguirre, the Acting Director, this committee has no way of knowing if this bureau is fulfilling its stated mission. Consequently, I am fearful that without adequate oversight and funding this new bureau will fall into the same bureaucratic trap that made the INS inadequate to meet the needs of this nation's immigrant community. I am hopeful that the subcommittee will have a hearing and receive a full budget justification from the Bureau of Citizenship and Immigration Services before this bill comes to the floor for a vote next year. I am also hopeful that next year the President's budget will request enough funds to realistically address the thousands of cases in backlog at this bureau. Although the committee increased the President's budget request by $14 million, the amount is still fifteen percent less than what was provided in Fiscal Year 2003 for immigration services.

Mr. Chairman, I am also concerned about the ongoing difficulties regarding airport security screeners at Los Angeles International Airport (LAX). These difficulties stem from the poor quality of the Transportation Security Administration's (TSA) security background checks. Despite assurances from TSA that their airport security workforce had been screened, authorized at LAX and other airports discovered that some members of their security screener workforce had criminal convictions. These airports petitioned TSA for the authority to conduct their own background check of the screeners at their own expense. TSA officials at first rejected the request before finally granting approval. The ongoing background checks by these airports are continuing to identify employees with disqualifying convictions. Hopefully, this issue will be resolved once and for all when the Office of Personnel Management (OPM) completes the last of its outstanding background checks on the TSA airport screeners.

Until such time, I am pleased that the bill includes language I offered that urges the TSA to work cooperatively with airport authorities that wish to conduct their own background checks of their TSA screener workforce.

I am also pleased that the bill includes report language that provides guidance to the Department of Homeland Security on two issues critical to the immigrant community. The report language expresses concern about the pattern of harassment, excessive use of force, and racial profiling by private vigilante groups that conduct paramilitary-like operations along our Southwestern border. In San Antonio for example, the sheriff recently arrested vigilantes who were charged with assault for their illegal arrest of two migrants from El Salvador. Vigilantes taking immigration law into their own hands is illegal, and their activity can lead to serious violations of fundamental rights. It can also interfere with the legal activities of protecting our homeland. For that reason, I am pleased that the report includes language I offered expressing concern that vigilante operations against migrants along the Southwestern border should not be tolerated, and may interfere with the work of the Department of Homeland Security.

Mr. Chairman, I am also pleased that the report contains language I requested directing the Department of Homeland Security to improve the processing and resettlement of refugees. Since the Sept. 11, 2001 attacks, increased security checks on individual refugee cases, combined with greater limits on the travel of refugee and immigration officers, have resulted in a slowdown of interviews necessary for U.S. resettlement. Many of these precautions are understandable, but as the Department of Homeland Security begins to shape its policy and procedures, we need to find a safe and acceptable method to quickly process legitimate refugee claims.

The world is looking to the United States for continued leadership in providing a safe environment free of abuse and persecution for many of the world's refugees. I am pleased that the report requests a plan from the Department of Homeland Security, in conjunction with the State Department, to overcome the hurdles encountered during the processing of refugee claims.

Mr. Chairman, while I am disappointed in this bill's inability to fully fund many of our countries initial national security needs, I support the efforts of the Chair and the Ranking Member to best allocate these limited resources. We have much more work ahead of us. I urge the conferees to address this issue of limited funds. In closing, I want to reiterate that I have enjoyed working with Chairman ROGERS who I know did his best given the limited resources the subcommittee was provided.

Mr. NUSSLE. Mr. Chairman, I rise to speak on the unfolding of the appropriations process for fiscal year 2004 and the Homeland Security appropriations bill in particular. The actual appropriations process commenced on April 10 when, five days before the statutory deadline, the U.S. Congress agreed to a budget resolution that established an overall limit or allocation on appropriations for fiscal year 2004.

THE BUDGET RESOLUTION

The budget resolution provided a total allocation for discretionary appropriations of $785.6 billion in fiscal year 2004, including the amounts held in reserve for the Bioshield initiative. This represents a 2.6 percent increase over the current year, which is slightly higher than the rate of inflation. Additionally, the budget resolution allowed an additional $23.2 billion to be appropriated in advance for fiscal year 2005.

The Congress agreed on this number after considerable deliberations involving the Leadership, the Budget and Appropriations Committees, and rank and file Members. We started with CBO's reestimate of the President budget request of $786.6 billion. We added $890 million for biological and chemical threats and another $215 million for the Iraq supplemental. At the same time, it was reduced by $2.2 billion to reflect advance appropriations that were not part of the President's original budget submission.

302(b) ALLOCATIONS

Last week the House Appropriations Committee finally decided how to divide that allocation across its 13 appropriations subcommittees. Under these allocations, total appropriations for defense and military construction will have climbed by 7.1 percent a year between fiscal years 2000 and 2004. Somewhat surprisingly, all other non-defense discretionary spending will have increased over the same period by a robust 8.2 percent.

The Appropriations Committee appropriately exercised its prerogative to allocate funding based on Congressional priorities. The Appropriations Committee comes in under the Administration request's by $3.2 billion for defense and $1.8 billion for Foreign Affairs. At the same time, it would exceed the President's request by $448 million for Labor, HHS and Education, $400 million for VA–HUD, $279 million for Energy & Water, $221 million for Agriculture, and $241 million for Commerce, State & Justice.

HOMELAND SECURITY APPROPRIATIONS

Today we consider the first of these appropriations bills, H.R. 2555, the Homeland Security Appropriations Act of 2004. This is a landmark occasion: the first separate appropriation bill for the Department of Homeland Security, which consolidates 22 Federal agencies and is expected to reach 180,000 employees.

The spending levels in this important measure are consistent with the limits for fiscal year 2004. The bill provides $29.4 billion in appropriations for fiscal year 2004, an increase of $8.1 billion or 38 percent above last year's level. Much of this increase is for Border and Transportation, Emergency Preparedness, Informational Analysis and the Coast Guard. With total fiscal year 2004 appropriations equal to the allocation for the Homeland Security Subcommittee, the bill complies with the Congressional Budget Act.

The bill does provide an advance appropriation for Bioshield in fiscal year 2005, however, that is not permitted under the terms of the budget resolution.

H.R. 2555 does not contain any emergency-designated BA, which are exempt from budget limits. Nor does it rescind any previously appropriated BA.

This bill demonstrates Congress' unflinching commitment to win the war against terrorism.

Consistent with the Budget Resolution, the bill provides resources above the President's request in areas like Border and Transportation Security, Emergency Preparedness and Response, and Science and Technology. This bill will enhance the Nation's ability to secure our borders, protect lives and property, and disrupt terrorist financing.

The bill also provides appropriations for the acquisition of various countermeasures against nuclear, radiological and biological threats. The authorization for these countermeasures has been reported by the Energy and Commerce and Government Reform Committees and will be acted upon by the Homeland Security Committee later this week.

BIOSHIELD

I am pleased the Appropriations and authorizing committees were able to meet a critical need in the fiscally responsible manner outlined in the budget resolution. Rather than create another entitlement program, the program was kept fully within the oversight of the Appropriations Committees. In order to give the administration the assurance of adequate funding in the outyears, the bill provides advance appropriations for fiscal years 2005 through 2013.

My only concern with this approach is that some might be tempted to exploit the fact that much of the advance of appropriations are scored in fiscal year 2005 on the expectation they will spend out over time by reducing that amount in 2005 to achieve spurious savings. I take it in good faith that the Appropriations Committee will leave these funds untouched in fiscal year 2005 so they will be available as the need arises in subsequent years.

CLOSING

As we enter the appropriations season, I wish Chairman YOUNG and all our colleagues on the Appropriations Committee the best as we strive to meet the needs of the American public within the framework established by the budget resolution.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2555

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

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for management and operations of the Department of Homeland Security $221,493,000; of which not to exceed $78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed $116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed $8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed $10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed $3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed $4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided,* That not to exceed $2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further,* That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In the item relating to ''DEPARTMENTAL ADMINISTRATION–SALARIES AND EXPENSES'' after the first dollar amount, insert ''(reduced by $5,000,000)''.

In the item relating to ''BUREAU OF CUSTOMS AND BORDER PROTECTION–SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)'' after the dollar amount, insert ''(increased by $5,000,000)''.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) for bringing us this bill on such an urgent matter.

I come with a small amendment that has rather big ramifications on our southern border with Mexico. I represent all of the California-Mexico border. As the President of the United States and his Secretary of Homeland Security agreed with the President of Mexico, we need a smart border, a smart border meaning security, yes, tight security, but efficiency also.

□ 1445

We need a blending at our borders of security and efficiency. In my district, I have got about a quarter of a million, that is over 250,000, legal crossings every day through the six or seven border crossings in my district. That is a lot of traffic. That traffic is very legal. It is for important purposes, important for our economy, important for our families, jobs, housing, culture, education, all that is going on in this exchange across the U.S.-Mexico border. We have shown that we can have the security we want with efficiency. We started a new program several years ago called SENTRI, meaning Secure Electric Network for Travelers Rapid Inspections. What that means in English is that we give people who have legitimate business across the border to travel, and they do it frequently, we give them as extensive a background check as is necessary to guarantee they are secure. We also give their vehicle a background check, and that vehicle and that person is matched when they cross the border by a smart card and a transponder. That is the SENTRI system. The Customs and INS now and under Department of Homeland Security set aside certain lanes of the border crossings for that purpose, for the SENTRI crossings.

Unfortunately, the demand for those smart cards way exceeds the ability right now of the Department of Homeland Security to meet. There is a backlog of 6, 7, 8 months. The Subcommittee on Homeland Security, and I thank the gentleman from Kentucky for this, in their report said what a great program SENTRI is. They complimented the fact that it exists. What we at the border need, though, is some assurance from this Department that money will go to this incredibly important use. We are not sure given some of the problems in the organization of this new Department that people are looking at the border and will think about it. We need some accountability that the money will go into that program.

We now have 42,000 motorists using SENTRI. As I said, there are three or four times that who are waiting to participate. The backlog is over 6 months. There is no assurance that that backlog will decrease unless there is some dedication of funds to this program.

I know that there is on the part of the committee a rightful concern with, ''earmarks.'' I just ask that the chairman think about accountability not only in the Department but for the stakeholders at the border. We have people on both sides of the border, people who are doing legal business that are so important to our economies. Mexico is now our largest trading partner. A big part of that trade goes on trucks through California, the other part through Texas. We need to move that quickly with security guaranteed.

That is what my amendment will do. The folks who are doing this at the border need to know that the money is going to be there. They need to know that their business can be carried on. They need to know that they can expand their business because they know that crossing the border will be enhanced in a positive fashion. I say to the gentleman from Kentucky and the gentleman from Minnesota, I know that there is some reluctance to specify programs in their bill. I would just hope that such an amendment with such ramifications for our whole economy, and not just in Texas and New Mexico and Arizona and California where the border crossings are, but in Kentucky where there are people waiting for just on-time delivery. They need to know that SENTRI is working. I would ask for approval of $5 million for the SENTRI program.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in reluctant opposition to this amendment by the gentleman who has been working very

hard on the issue. Originally, this program permitted those certified as low-risk travelers to cross the Mexican border on an expedited basis for 1 year. However, in order to accommodate the unexpected increases in enrollment in that program following 9–11, Customs and Border Protection in February 2003 extended the enrollment period to 2 years. That had the effect of benefiting both participants in the program and the government by reducing paperwork and made the annual enrollment fee a biennial fee. But current enrollees had their eligibility automatically extended for 2 years from the date of their last enrollment and the applications backlog that was being blamed for increased waits at the border has been greatly reduced. So I do not think the problem is as bad as it perhaps was at the outset.

Number two, we took $333 million in the 2003 wartime supplemental and gave that to the Bureau of Customs and Border Protection. We have not received their spend plans on how they intend to use those funds. The Department, however, could, I would remind the gentleman, could use a portion of the supplemental to support the SENTRI expansion. They do have some discretion.

Number three, and the gentleman alluded to this. We have already cut the funds for the Department's administration by 25 percent. The moneys he would take with this amendment would come out of administration. We have already cut them past the bone almost. Additional reductions could reduce the basic departmental administration programs and impair their ability to fulfill management of the entire agency.

For all those reasons, Mr. Chairman, I reluctantly oppose the amendment and would urge Members to reject it.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Filner amendment to the Homeland Security appropriations bill. This amendment would provide the Bureau of Customs and Border Protection with critical funding to reduce the backlog of applications for the SENTRI program. I acknowledge the words that were just spoken about the need to use administrative funding; but, Mr. Chairman, we use less than 1 percent of that budget for this program. I want to tell you how important it is. The gentleman from California (Mr. FILNER) and I are well acquainted with the merits of the SENTRI program. I thank him for his work on this amendment and for his continued support on border management issues. The gentleman from California is a cosponsor of the SAFE Border Act, legislation that I introduced to modernize SENTRI. I would also like to thank Chairman ROGERS and Ranking Member SABO for the inclusion of report language regarding SENTRI.

So what does SENTRI do? It prescreens applicants. The program accepts only low-risk travelers who pass a background and a vehicle check, and it focuses enforcement efforts on those travelers who are not prescreened. Moving low-risk travelers into SENTRI lanes permits border agents to concentrate on other border crossers. It allows the entry of thousands of San Diego and Tijuana residents who cross the border every day and play a vital role in the area's economic and social life as commuters, shoppers, or visitors. Unfortunately, our border infrastructure has not kept pace with the booming traffic volume, and travelers frequently encounter delays and congestion at the border. SENTRI is an innovative program. It integrates security with efficiency. In this program we have a model of best practices that enhance national security and facilitate legitimate traffic. Why would we not direct resources to this program? Why would we not take every advantage, every opportunity to increase security?

To some extent SENTRI has become a victim of its own success. Enrollment increased, as we know, by more than 100 percent after September 11 and currently prospective applicants must wait several months. Next March, SENTRI will certainly need funding to handle the heavy processing demands caused by both renewals and new enrollees. Our agents at the border shoulder an enormous responsibility every single day. We owe them the appropriate resources and support they need to carry out their duties. We must also think about the technology and equipment needs of a program like SENTRI. This type of investment in our ports of entry results in greater border security and better trade flow.

Supporting this amendment, Mr. Chairman, would not only allow agents to reduce the SENTRI application backlog but means that the Bureau of Customs and Border Protection could do more background checks and improve national security. The ability to control our border is national security. It is trade and it is commerce for our region. It is an investment in the future of our ports of entry. It is communities seeking solutions to address our border management issues.

I hope my colleagues will join me in supporting the Filner amendment.

Mr. FILNER. Mr. Chairman, will the gentlewoman yield?

Mrs. DAVIS of California. I yield to the gentleman from California.

Mr. FILNER. I just would like to point out in furtherance of both our arguments and before the gentleman from Texas speaks, that there may be a rather slow hiring at the Department and thus carryover funding may be more than anticipated. With this really small amount of money from that account, it should not influence in a negative fashion anything about the hiring for this Homeland Security Department. I would again reinforce what she was saying, that the money is there, it is just a question of saying that it is going to be available and thus everybody at the border knows what is going on and we will have a more efficient border.

Mrs. DAVIS of California. I thank the Member for pointing out the fact that this is a phased-in process, and it is true that we will be doing it in a gradual way. But it gives people a sense of hope, a sense of knowledge, a sense of commitment that they and their businesses will be cared for as they move forward and as they try and increase commerce along the border, the good commerce that we all look forward to.

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

Mr. Chairman, the vast majority of border crossings are made for legitimate purposes. As we seek to secure our borders, we cannot afford to strangle them. With 22 percent of our Nation's exports and imports crossing our land borders, we need to have adequate systems in place to ensure that legitimate trade and travel are not unduly impaired. SENTRI is one such system that has been used successfully in my district of El Paso, Texas, in putting together dedicated commuter lanes. These lanes reduce waiting times at the border for prescreened, low-risk, frequent border crossers.

The Filner amendment would provide needed funds to reduce the backlog of people applying to enroll in the SENTRI program. In my own district, we need some of these very same funds to replace equipment in our enrollment centers that often break down and other legitimate purposes to increase the legitimate flow of traffic back and forth between our borders. The sooner we can screen people out who pose no threat to our security, the more we will be able to concentrate our limited resources on those that may pose a threat to our national security.

Therefore, Mr. Chairman, I rise this morning to urge my colleagues to join me in voting ''yes'' on the Filner amendment.

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

Mr. Chairman, I want to express my appreciation to the gentleman from Kentucky as well as the gentleman from Minnesota for the hard work that they have done on this bill under very difficult circumstances. Part of the problem is that there does not seem to be enough money to deal with the problems of domestic security at a time when this Nation appears to be under threat. At least that is what the administration would lead us to believe. Every other week we are going up to the orange alert code. Local governments around the Nation are responding to that. So if we are under threat, we need to be providing for the people at the local level who have to deal with that threat. This bill for all the care that has been put into fashioning it does not deal with that problem adequately. The problem seems to be that there is not enough money. I have heard people come to the floor here,

even today, and talk about the fact that this is the appropriations process, it is not the budget process. But nothing here happens in isolation. This is all of a piece. If you are going to cut taxes, if you are going to take money out of the Treasury, do not be surprised if a little while later you do not have enough money to pay for your domestic security programs. That is the situation that we are confronting in the context of this bill.

Let me be even a bit more specific. Last year, we appropriated $2.9 billion of grants to State and local governments to help them prepare for and defend against terrorist attacks.

□ 1500

Eight hundred million dollars or about 30 percent of that was directed to high-threat areas. Some people would argue that 30 percent is not enough to be directed toward high-threat areas. They ought to have more than that. But we are getting even less in this particular bill. Seventy percent in last year's appropriation went to other places across the country. That number under this piece of legislation goes up to 83 percent, and the effective cut for areas under high threat goes from $800 million to $500 million, and that has to be spread all across the country in areas that constitute areas of high threat. Secretary Ridge himself has said that the $800 million is not enough. Certainly the $500 million is not enough.

We are not providing for the kind of national security that the administration talks about and Members of this Congress take this floor to talk about. It is one thing to express one's understanding of the need to deal with the problems of domestic threat. It is another to face up to those domestic threats and provide the resources so that the people out there on the firing line, the local government officials, the police, the firemen, emergency medical services personnel and others are able to contend with the problem when they express themselves and almost certainly they will.

So for all the care that the chairman and the ranking member have put into this bill, it remains deficient overall in the amount of money that we are spending on national security. No fault of theirs. They have been restricted in the amount of money they have to work with. There is not enough money allocated by this Congress or by the administration to deal with this problem. There is a lot of money for tax cuts. There is $80 billion to fight the war in Iraq, but there is not enough money to provide for domestic security. And on top of that in the context of this bill, we are cutting back on the amount of money that is allocated to high-threat areas specifically. That is foolish and we need to correct it.

We are beginning a process with this appropriation bill here today, and it is my hope that we will all work together constructively so that in the final analysis when we pass the final appropriation measure, we will have a bill that adequately provides funding for our domestic security needs and also takes into consideration those additional specific security needs that exist in areas of high threat across the country.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman that just spoke made some comments that I feel must be responded to. It is not really relevant to this amendment, but I will try to make it so, and that is whether or not we are providing enough funding for our State and local responders. I hear it every day. We hear it every day. Most people are uninformed or misinformed about how much money is going out there. In this bill we provide over $4 billion, and added to the moneys that we put in the 2002 bill and the 2003 bill, we will have appropriated some $20.8 billion just for State and local first responders. The money is going out in different sorts of grants. There are eight or 10 different sorts of grants, one of which goes to the high-threat urban areas such as New York, Washington, L.A., other places, and those go out at the discretion and in the decision of the Secretary.

Last year, the current year 2003, we provided $800 million for just the high-threat/high-density urban areas. The administration in the 2004 request did not request any funds in that account. We put $500 million back in that account, and that is in the bill as we speak. However, in the other grant accounts we have increased the grants for State and local first responders by over $1 billion. We do not hear that talked about, but it is there. There is over $1 billion more in those grant programs this year and next year than this year, $203 million above what we gave this year and $1 billion over what the President requested.

So I want to ask where is the beef? Where is the beef?

Those moneys are going out under competitive and discretionary grant programs to our States. Under this bill our States are required by law to give that money, 80 percent of it, to the locals within 60 days. The States have got to set up their own machinery for processing these applications. They have not done that yet. New York's application was almost tardy. We are just now getting the applications. And yet then we are saying you are not giving us the money. The money is there when you qualify and will be there during this year, but we have increased the amounts of money that go to State and local first responders $203 million above what they have now and $1 billion more than was requested by the President.

If the administration wants to submit a change in their budget request that changes these grants in some fashion, I am sure they will send us the supplement to their budget and we will give it due consideration. But, Mr. Chairman, I want to be sure that Members understand the State and local first responder grant moneys are there more than last year, $1 billion more than the President requested. If the States will get their committees together and do their paperwork and apply for these moneys, they will be there, and if there are any delays in the pipeline, it is mainly because the States and localities have not applied for the money.

So Mr. Chairman, I rest my case.

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

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

Mr. FILNER. 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. FILNER) will be postponed.

The Clerk will read.

The Clerk read as follows:

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, $206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, $22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

TITLE II—BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

BUREAU OF CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, $4,584,600,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed $5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided,* That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further,* That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

In title II, in the item relating to ''BUREAU OF CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert ''(increased by $100,000,000)''.

In title II, in the item relating to ''BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert ''(increased by $200,000,000)''.

In title II, in the item relating to ''TRANSPORTATION SECURITY ADMINISTRATION—AVIATION SECURITY''—

(1) after the aggregate dollar amount, insert ''(increased by $150,000,000)''; and

(2) insert before the period at the end the following:

: *Provided further,* That of the total amount provided under this heading, $75,000,000 shall be available only for grants to airports for perimeter security improvements, $50,000,000 shall be available only to screen cargo carried on passenger aircraft, and $25,000,000 shall be available only to ensure that overseas aircraft maintenance facilities that service United States aircraft comply with United States security standards

In title II, in the item relating to ''TRANSPORTATION SECURITY ADMINISTRATION—MARITIME AND LAND SECURITY'', after each of the dollar amounts, insert ''(increased by $400,000,000)''.

In title IV, in the item relating to ''UNITED STATES COAST GUARD—OPERATING EXPENSES''—

(1) after the aggregate dollar amount, insert ''(increased by $100,000,000)''; and

(2) insert before the period at the end the following:

: *Provided further,* That of the total amount provided under this heading, $100,000,000 shall be for implementation of all of the requirements of the Maritime Transportation Security Act of 2002 (Pub. L. 107–295)

In title IV, in the item relating to ''INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION—OPERATING EXPENSES'', after the aggregate dollar amount, insert ''(increased by $50,000,000)''.

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

SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 5.66 percent.

Mr. OBEY. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

Mr. OBEY. Mr. Chairman, this amendment attempts to do six things. It would add $400 million for port facility security grants. The Coast Guard says that we need more than $4.5 billion over time to secure those operations. At the committee rate of only an additional $100 million per year, it would take 20 years for us to get halfway to the task that is defined for us by the Coast Guard. I do not think that is fast enough. We would also add $100 million for the Coast Guard to implement the Maritime Transportation Security Act, which passed this Congress last November, which is aimed at strengthening our ability to analyze vessel threat information.

We need simply look at the newspaper headlines yesterday about explosives bound for Sudan that were picked up by the Greek government, 680 tons of explosives and 8,000 detonators in the ship Baltic Sky, which the inspectors described as being tantamount to the power of an atomic bomb. I think that makes eminently clear why we need to protect our own ports to a greater extent.

Thirdly, we would add $100 million to increase the inspections of containers that are being shipped to this country. Right now we inspect only 2 percent. We would add 1,300 more inspectors. We are just scratching the surface in terms of what we need.

Fourth, we would add $200 million to improve northern border security. That border is 5,500 miles long. It is highly vulnerable. I referred earlier to the some 60 aircraft that flew across that border unannounced and unflagged over the past year.

We would then add $150 million for aviation security to secure airport perimeters and to strengthen our ability to screen cargo on passenger planes. It is kind of strange to provide screening for passengers if we do not provide it for cargo.

Lastly, we would add $50 million for the Information Analysis and Infrastructure Protection Division in the new agency that is supposed to be the nerve center, the brain, of that agency in targeting what our biggest vulnerabilities are. We would pay for that by reducing the size of the tax cut that was passed by this Congress. We would reduce the size of the tax cut for taxpayers who earn more than $1 million a year. They are scheduled to get an $88,000 tax cut. We would reduce that tax cut to $83,000. So instead of getting $17.7 billion next year, they would only get $16.6 billion in tax reduction. I hardly think that is laying a scratch on them.

Mr. Chairman, the purpose of the Budget Act was to try to force the Congress to recognize the choices and the trade-offs that are attendant to any budget. The problem is that the way the budget process has been used, we have a situation in which we have a huge disconnect between actions on the tax bill and the consequences that flow in terms of reduced services and reduced security for the country. So I would simply ask that we recognize that this amendment meets essential services. It provides essential services, and it also has the added feature of demonstrating that there is a price to pay for tax cuts primarily aimed at such high-income people, especially when it means and requires that by the time we finish our action on the tax side of the ledger, we have only table scraps left to provide needed services not just for homeland security for that matter but for education, health care, and a number of other crucial items.

For those who say we are invading the jurisdiction of another committee, we did that at the expressed request of the House leadership just a few months ago on the omnibus appropriations bill. So this is nothing new, and I would urge support for the amendment, Mr. Chairman.

POINT OF ORDER

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

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI, which states, in part, an amendment to a general appropriations bill shall not be in order if changing existing law, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member desire to be heard on the point of order? The gentleman from Wisconsin.

PARLIAMENTARY INQUIRIES

Mr. OBEY. Mr. Chairman, I do and I would first raise a parliamentary inquiry. Could the Chair tell us what rules were waived by the Committee on Rules for consideration of the majority committee bill and its provisions?

The CHAIRMAN. The Chair will read the pertinent portion of House Resolution 293, the rule providing for consideration of this bill in Committee of the Whole, and that portion is: ''Points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 and clause 2 of rule XXI are waived except as follows: sections 514, 521, and 522.''

□ 1515

Mr. OBEY. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Is it not true that the selective waiving of the rules as cited by the Chair make clear that the DeLauro amendment and the Sabo amendment, which were offered in committee, were not protected by the rule? That is the practical effect of that language, as I understand it.

The CHAIRMAN. The sections specified in the rule, 514, 521, and 522, are not protected.

Mr. OBEY. So my understanding is that that means that the DeLauro language on corporate expatriates and the Sabo amendment with respect to CAPPS were both precluded from being considered by the House.

Would the Chair answer one other parliamentary inquiry, please. What rules are waived to enable my amendment to be offered on behalf of the minority?

The CHAIRMAN. The rule does not speak to amendments to the bill.

Mr. OBEY. Mr. Chairman, then let me simply raise a further parliamentary inquiry.

The CHAIRMAN. The gentleman may state it.

Mr. OBEY. Because what I think the Chair just said is that the Committee on Rules, in contrast to the way it handled majority provisions, that the Committee on Rules did not make in order a waiver for our side of the aisle.

But let me ask the Chair as a parliamentary inquiry, is it not correct that on the omnibus appropriations bill just a few months ago that we amended the Medicare Act not once, but in two separate areas, to provide a 6 percent increase in funding for providers under the Medicare Act, even though that was considered invading another committee's jurisdiction?

Is it also not true that on that omnibus legislation the committee was allowed to increase payments under division N, section 401(b) of the Medicare Act for rural hospitals? Is it not true that we waived the rules to allow the U.S. Customs Service to conduct vehicle inspections on the Canadian side of the U.S.-Canada border? And is it not also true that during the tumultuous debate about what to do about the dilemma of the airlines, that we waived rules again to allow the committee to include in its appropriation bill the bailout for the airlines as well as the extension of unemployment benefits to those in that industry?

The CHAIRMAN. As the Chair stated on June 26, 2002, the Chair cannot place issues into historical context; and, therefore, the gentleman has not stated a proper parliamentary inquiry.

Mr. OBEY. Well then, Mr. Chairman, I would simply say that I would urge the Chair to uphold my right to offer this amendment, because I cannot believe that the majority leadership would want to be so unfair as to waive provisions of our rules for the majority party's bill, but to not extend the same opportunity to those of us on the minority side, and to point out that I have just recited four instances where, just a few months ago, the majority leadership insisted that we provide these waivers for these non-appropriated purposes.

The CHAIRMAN. Do further Members wish to speak on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Kentucky makes a point of order that the amendment proposes to change existing law in violation of clause 2(c) of rule XXI.

The amendment, in pertinent part, proposes to increase budget authority to be offset by a change in certain tax statutes under the Internal Revenue Code.

As the Chair previously ruled on September 8, 1999, and July 26, 2001, an amendment to a general appropriation bill addressing tax-rate reduction under the Internal Revenue Code constitutes legislation in violation of clause 2(c) of rule XXI; and, therefore, the point of order is sustained.

Mr. OBEY. Mr. Chairman, on that I most reluctantly and respectfully move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 200, not voting 12, as follows:

[Roll No. 305]

AYES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch

Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Baird
Brown-Waite, Ginny
Camp
Conyers
Cubin
Garrett (NJ)
Gephardt
Gilchrest
Gutierrez
Paul
Smith (WA)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1541

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

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

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

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

The Clerk read as follows:

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511(e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, $493,727,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: *Provided,* That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further,* That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

IMMIGRATION AND CUSTOMS ENFORCEMENT

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, $2,030,000,000; of which not to exceed $5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99–570 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than $200,000 shall be for Project Alert: *Provided,* That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further,* That of the total amount of funds made available for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $5,000,000 shall remain available until expended for support of such activities: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

FEDERAL PROTECTIVE SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.

AUTOMATION AND INFRASTRUCTURE MODERNIZATION

For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, $367,605,000, to remain available until expended, of which not less than $350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): *Provided,* That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs Enforcement Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further,* That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

AIR AND MARINE INTERDICTION

For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $175,000,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2004 without the prior approval of the Committees on Appropriations.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. 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. LOBIONDO:

In title II, in the item ''IMMIGRATION AND CUSTOMS ENFORCEMENT—AIR AND MARINE INTERDICTION'', after the dollar amount insert ''(reduced by $5,000,000)''.

In title II, in the item ''TRANSPORTATION SECURITY ADMINISTRATION—AVIATION SECURITY''—

(1) after the first dollar amount insert ''(reduced by $10,000,000)''; and

(2) after the fourth dollar mount insert ''(reduced by $10,000,000)''.

In title II, in the item ''TRANSPORTATION SECURITY ADMINISTRATION—ADMINISTRATION'', after the dollar amount insert ''(reduced by $36,000,000)''.

In title IV, in the item ''CITIZENSHIP AND IMMIGRATION SERVICES—OPERATING EXPENSES'', after the dollar amount insert ''(reduced by $12,000,000)''.

In title IV, in the item ''UNITED STATES COAST GUARD—OPERATING EXPENSES'', after the first dollar amount insert ''(increased by $35,000,000)''.

In title IV, in the item ''UNITED STATES COAST GUARD—ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS''—

(1) after the first dollar amount insert ''(increased by $75,000,000)''; and

(2) after the sixth dollar amount insert ''(increased by $75,000,000)''.

In title IV, in the item ''SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS'', after the dollar amount insert ''(reduced by $47,000,000)''.

Mr. LOBIONDO. Mr. Chairman, I rise today to offer an amendment that continues my campaign and the campaign of many others to ensure that our maritime security efforts have as much resources available to defend against the potential disaster of an attack at one or more of our ports. My amendment would increase funding for the Coast Guard by $110 million; $35 million would go to fund the congressionally mandated review and approval of approximately 10,000 facilities and vessel security plans that owners and operators must submit to the Coast Guard next year; and $75 million to help get the critically needed Deep Water Acquisition Program back on track.

My amendment would provide roughly half of what has been requested for support by the Coast Guard for these programs.

□ 1545

Tomorrow in the full Committee on Transportation and Infrastructure session, we will be marking up the 2004 Coast Guard Authorization Act, which provides the funding for these important programs at the level requested and supported by the Coast Guard.

I would add that over 85 Members of the House have sent the appropriators a letter in support of our authorized level of funding.

At a May 22 hearing before my subcommittee, the commandant of the Coast Guard explained that the Coast Guard would need an additional $70 million to fund 150 full-time personnel to review and approve of the Vessel and Facility Security Plans mandated by the MTSA. If these plans are not reviewed and approved by the Coast Guard within a year of its submission, the owners will not be allowed to operate their vessels in U.S. waters, and noncompliant port facilities would be shut down.

With 95 percent of our Nation's trade entering and leaving our ports, this will have a chilling effect on our economy. Moreover, without additional funding to meet this congressionally imposed mandate, the Coast Guard will have to divert precious resources and personnel from other traditional missions, including search and rescue, drug interdiction, and fisheries enforcement. My amendment would provide $35 million for this purpose, half of what is needed.

At a June 3 hearing before my subcommittee, the commandant announced his support for the $702 million in funding for Deepwater. This level of funding represents what is needed to counteract 3 years of underfunding and would get the program back on track.

The Coast Guard operates the second oldest naval fleet in the world, and some assets have been commissioned since World War II. Nearly half of the 110-foot Patrol Boat Fleet is in immediate need of repair for structural deterioration and has cost over 6 months of lost patrol days on the west coast. On average, the High Endurance Cutter Fleet is having a fire in their main engineering spaces on every patrol, and the fleet's main search and rescue helicopter is equipped with radar designed and installed nearly 20 years ago. Therefore, the successful and timely implementation of Deepwater would ensure that the Coast Guard would have the modern assets necessary to respond to any threats necessary.

Mr. Chairman, I understand the very difficult decision-making process that confronted the appropriators in drafting this bill. I commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS) for their work, and at this point I would indicate my willingness to withdraw my amendment if the gentleman from Kentucky (Mr. ROGERS) would be willing to enter into a colloquy with me.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise to oppose the amendment.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, will the chairman enter into a colloquy with me on this subject?

Mr. ROGERS of Kentucky. I certainly will.

Mr. LOBIONDO. Mr. Chairman, as I have said, I am willing to withdraw my amendment if the gentleman agrees to work with me as the bill moves forward to increase funding for the Deepwater program and provide additional funding for the review and approval of the Vessel and Facility Security Plans.

Mr. ROGERS of Kentucky. I thank the gentleman for his advocacy on behalf of the Coast Guard, and he has been a champion at that for his entire career in the Congress.

While I cannot support his amendment, I do recognize the need to provide additional funding for Deepwater and for the administrative costs associated with the review and approval of the congressionally mandated facility and vessels security plans. I look forward to continuing to work with the gentleman from New Jersey to ensure adequate resources are made for these priorities in fiscal 2004.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for his leadership on this issue and recognize the very difficult decision-making process he was confronted with in development of this bill.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as Members of Congress, our first responsibility set forth in the preamble to the Constitution is to provide for the common defense. In our time, the common defense means protecting our homeland from terrorists, as well as from traditional military threats to our interests at home and abroad.

The consideration of the first-ever appropriations bill for the Department of Homeland Security could have been a historic opportunity to demonstrate our commitment to the common defense by addressing some of the most glaring deficiencies in our Nation's security. Sadly, it is yet another missed opportunity.

The Republican's Homeland Security bill does not provide the resources necessary to do the job. The Republican bill does not meet the broad needs of our ports, our borders, our air transportation system, and other critical parts of our infrastructure.

In determining the Nation's priorities, the Republican majority has chosen to cut taxes for those who need it least, while shortchanging the homeland security needs of everyday Americans. The gentleman from Wisconsin (Mr. OBEY), the Committee on Appropriations ranking member, showed great leadership with an amendment to provide for America's security, to provide for the common defense, to protect the homeland.

The amendment would have provided an additional $1 billion to improve homeland security by adding $500 million to port security, everyone recognizes that is the minimum figure that is needed to protect our ports; $100 million to assist in the development of an automated vessel tracking system; $200 million to pay either for a year-round air and marine interdiction program at our northern border or to increase to 6,900 the number of agents patrolling the northern border by the end of fiscal year 2004; $150 million in security grants to airports and overseas maintenance facilities; and, finally, $50 million for vulnerable assessments at critical infrastructure locations.

Where would this $1 billion come from? The Obey amendment would be paid for by rolling back the tax cut for millionaires, that is, people making $1 million per year. People making $1 million a year or more would have their tax cut cut from $88,326 to $83,326. For that $5,000, for the 200,000 people making over $1 million a year, by reducing their tax cut from $88,000 to $83,000, America can be much safer.

What would my colleagues choose, to protect the American people or to give $5,000 more to people making $1 million a year or more?

Mr. Chairman, success in both the war on terrorism and the effort to better protect our Nation and its people will require a sustained effort and a resolve lasting many years. This bill should have been a testament to that resolve; but sadly, it is not. We need to act now to protect the American people.

Recent history suggests that our security could be tested anytime and any place. We know what our exposure is, what our vulnerabilities are. The gentleman from Wisconsin (Mr. OBEY) addressed them in his amendment. We must take every step to be ready. We have that responsibility.

Providing for the common defense is enshrined in our Constitution as one of our highest responsibilities. Its importance as a national priority is not reflected in this bill.

I want to commend the gentleman from Wisconsin (Mr. OBEY) for his leadership, the gentleman from Minnesota (Mr. SABO) for his as well, and it is with the highest regard for the chairman of the subcommittee who has served in this House with great dignity that I regret opposing what has been put forth by the Republican leadership on the floor today. It again misses an opportunity for the American people.

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

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky. I would like to address the issue of how our national emergency preparedness and response plan addresses older Americans, the disabled, and others with special needs.

Our experience with the horrible attacks of September 11, 2001, exposed gaps in our response plan as many elderly and disabled people living near the World Trade Center were trapped for days before receiving assistance. Successive evaluations have identified particular problems, including lack of coordination in city-wide community services, lack of a system to identify and locate older and disabled people, and lack of access to necessary public information both before and after an emergency.

I believe this issue is of great importance in the event of a future terrorist attack and I look forward to working with the gentleman in addressing this great need.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I want to thank the distinguished gentleman for his very thoughtful comments and agree that the needs of older Americans and those with special needs should be addressed. I look forward to working with the gentleman on this important issue.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his comments.

Ms. MCCARTHY of Missouri. Mr. Chairman, I move to strike the last word.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I want to commend both the majority and the minority members and the appropriations staff for their hard work on this first homeland security appropriations bill. I realize that this has been a formidable task.

Never the less, I am concerned that we have not given enough debate to issues raised by our state and local government officials and our local first responders.

For instance, fire fighters in Kansas City have told me that we must develop and fund an infrastructure to communicate effectively with agencies in the same community as well as surrounding communities during times of crisis.

Moreover, our local public health officials must have the necessary resources to be adequately prepared to cope with emergencies, particularly bioterroist attacks.

As the ranking member of the subcommittee on intelligence and counterterrorism of the select committee on homeland security, I question the Department of Homeland Security's ability to provide accurate and timely intelligence assessments, including bioterrorism threats to this country with the limited resources provided in H.R. 2555.

I thank the chair for the opportunity to address these important issues, and hope that in conference the additional funds called for by the ranking member, Mr. OBEY (the gentleman from Wisconsin) will be included.

The American people deserve such protection. Our first responders deserve such resources to assure the protection of the people they serve.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $3,679,200,000, to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided,* That of such total amount, not to exceed $1,672,700,000 shall be for passenger screening activities; not to exceed $1,284,800,000 shall be for baggage screening activities; and not to exceed $721,700,000 shall be for airport support and enforcement presence: *Provided further,* That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,609,200,000: *Provided further,* That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: *Provided further,* That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further,* That of the total amount provided herein, $235,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $100,000,000 shall be available only for procurement of checked baggage explosive detection systems.

AMENDMENT OFFERED BY MR. TERRY

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

The Clerk read as follows:

Amendment offered by Mr. TERRY:

Page 11, line 12, insert after the dollar amount the following: ''(reduced by $20,000,000)''.

Page 16, line 23, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 17, line 3, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 22, line 1, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Mr. TERRY. Mr. Chairman, this amendment is simple in the sense that what it does is it provides 20 million additional dollars for our first responders, and it takes it from a flush, although well-improved, Transportation Security Agency.

I want to start off by complimenting the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee. Most of the time when an amendment is offered, it is because that person has disagreed philosophically with the direction of that particular appropriation. I am here to compliment the chairman and say that I agree with his priorities, Mr. Chairman, and two of those priorities that he has provided are an extra $1 billion of funding for our first responders above the President's request. He has also decreased to bring down the number of TSA agents in our airports, and I greatly appreciate both of those.

My goal here today is to improve on what the gentleman has already done, Mr. Chairman. I would like us to take an even bigger step in helping our first responders.

When we look at our homeland security today, we rely a great deal on our fire, police and emergency services; and while we talk about a new Homeland Security Department and funding that Department, most of the people receive a vision of a top-down system that comes from Washington, D.C., down to the local levels. But the reality is when an emergency occurs, when a terrorist attack occurs, whether it is in Oklahoma City or Omaha or New York City or Washington, D.C., the first people on the scene, to take control of the scene, to rescue those that have been injured or killed in the security area are our first responders.

□ 1600

I do not think we can do enough to provide them the proper training and the proper equipment. I have talked to our police officers, who call themselves blue canaries, because they know that when an emergency occurs, when they run into those buildings to secure the areas, they say they know it is biological or chemical or deadly when they keel over. Well, I think when we have a national security policy, a homeland security policy that relies on them, I would like to provide them additional dollars.

Now, why the TSA? I think most of us that go through airports can tell of personal examples with what appears

to be a very flush budget in the respect of seeing the number of white shirts with patches standing around. In fact, at my airport in Eppley, just a few months ago, there was an extremely long line, as there was on Monday morning, but they only had one of the stations open. And I asked the person why there was only one security station open when there were as many as 10 twelve white shirts standing around, and I was told, quote-unquote, they are on break. I called our new security administrator for Eppley and he told me it was broken down. Now, the people on the scene had a different opinion. But that is just one example.

Unfortunately, over the last few months what we have also seen is not only the vast number of employees standing around but the vast number of passengers standing in extremely long passenger lines. Last week, at Reagan National, it literally went out the door. It literally went out the door, yet there were many employees there working. How does that happen, when there is more employees than there were before and the lines are two or three times longer? We are having record numbers of people standing in lines and a number of complaints coming into our office about our own airport.

Now, I go through a lot of airports, and I have talked, Mr. Chairman, to several people in charge of these airports. I get really extremely harsh critique of TSA from airport administrators. In fact, one told me that he wanted to find out the background of the security administrator appointed to their airport to see if this person had any experience with civil airports. TSA denied the request, so a Freedom of Information Act was filed and that was denied on PATRIOT Act grounds. So we do not even know if the people being appointed have any experience in providing security.

At least in Omaha, Nebraska, I know there were two or three people that would have been grade-A-plus in security, yet they were denied for someone we do not even know the background of. And how many of us have similar experiences to tell?

So, Mr. Chairman, I understand your position and I respect it, but I stand by my amendment to help our first responders.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Let me say, Mr. Chairman, I reluctantly, very reluctantly rise to oppose this amendment. The gentleman is a good Member, and he has expressed heartfelt thoughts here. And, goodness knows, I have expressed very serious and long-standing reservations about the number of screeners that TSA has deployed in airports throughout the country. But in the bill before us we already reduce the number of screeners by another 4,600 in fiscal 2004, and that is on top of the 6,000 screeners that will be laid off between now and September of this year. That would be a reduction from current levels, roughly, of some 10,600 less than we have now.

In the 2002 bill, when it was in Transportation, we capped the number of screeners at 45,000. This cut the gentleman would make would take us well below that cap. This further reduction of $20 million from the screener fund would require them to lay off another 500 to 1,000 screeners on top of what I just mentioned. That would take us well below the 45,000 level that we had set now for the 2 or 3 years in the Congress as the maximum level at TSA.

The monies the gentleman would take from TSA he would give to the first responders, and heavens knows we want to give them all we can, but in this bill, as the gentleman mentioned, we are already $1 billion for first responders above what the President requested, and some $200 million plus above what the current level of spending for first responders is. So I just think that it would be unwise to adopt this amendment, as much as I sympathize with the gentleman's philosophy in offering it.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I would join the chairman in opposing the amendment. The committee and the chairman have been very tough task masters of TSA when it comes to the number of screeners. We have been urging them for a long time to use more part-time people and to make more efficient use of their personnel. On the other hand, if we get too harsh, there may be imbalance around the country in terms of where there are vacancies and where there are an overabundance. So if we get too tough, we can be very counterproductive.

I agree with the chairman that first responder money is important, but the committee has been very disciplined in dealing with TSA, and I would join the chairman in opposing this additional cut.

Mr. ROGERS of Kentucky. Reclaiming my time, Mr. Chairman, I thank the gentleman. I would rather that we let the TSA absorb these cuts that we already have in place, which will cut 10,600 screeners by the end of 2004. Let us do that before we take further steps. We can assess it at that time. If we still have a problem, I would be supportive of the gentleman's amendment. But for the moment, I think we have done just about enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

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

Mr. Chairman, I was intending to offer an amendment to this title of the bill, but the amendment is to increase the appropriation in the bill by $5 billion for the purpose of stationing American inspectors in every foreign port from where ships leave for the United States in order to inspect every container before it is put on a ship bound for the United States. Unfortunately, I could not find a $5 billion offset in this bill. What I wanted to do, obviously, was to reduce the tax cuts, the hundreds and hundreds of billions of dollars of tax cuts, by $5 billion to offset this. But the rules of the House do not permit that, so my hands are tied.

Let me address for a moment the necessity of this amendment, if not in this bill then elsewhere. The greatest danger this Nation faces, which we are not addressing in any real shape or form, is that some foreign terrorist group, al-Qaeda, whoever, or some rogue nation, will get hold of a nuclear bomb and attack the United States. We are spending about $100 billion on an anti-ballistic missile system ostensibly to meet that threat. But think about it a minute. The leader of any rogue nation who had a few atomic bombs and wanted to attack the United States would not put them on a missile, because a missile has a return address. We would know from where the missile came, if God forbid someone attacked American cities. That leader would know that if he launched nuclear-tipped missiles at American cities, his country would cease to exist, along with his regime and him, would cease to exist a half-hour later. So he would not put the atomic bombs on a missile, he would put them in a ship.

Mr. Chairman, six million shipping containers come into this country per year. We inspect less than 2 percent of them. Ninety-eight percent of those six million containers, for all we know, have atomic bombs in them. It does not do any good to inspect them in Newark or New York or Los Angeles where they night explode. I know Secretary Ridge and others are saying we are going to set aside a few hundred million dollars and send some inspectors to foreign ports to look at some high-risk containers. High risk? Well, if we look at the high-risk containers, the bombs will be in the low-risk containers, or at least those that used to be low risk.

Mr. Chairman, the catastrophe that could be caused from one atomic bomb in an American city would make 9/11 look like child's play. That catastrophe would cost half a million lives immediately, probably trillions, trillions in economic damage. We cannot afford to risk one nuclear explosion in an American city. President Bush said, when he was trying to motivate a war with Iraq, that we could not wait for the mushroom cloud. Well, I am not so sure the facts justified that reference with respect to Iraq, but they most certainly justify that reference with respect to six million shipping containers coming into this country with God knows what inside.

So, Mr. Chairman, my amendment that I would have offered, if the majority did not prevent me from offering this amendment, would have appropriated $5 billion, which is little

enough for this purpose, and would have sufficed to enable an American inspection team to see to it that no container, not one container, is put on any ship bound for the United States in a foreign port until that container is searched and sealed and certified by an American inspection team in the foreign port to say there is no weapon of mass destruction on board that.

Mr. Chairman, if we do not do this, during the war that we are engaged in now and maybe for the next 10, 20, 30, or 40 years with the terrorists, then we ought to have our collective heads examined. Any American city could be destroyed, millions of lives lost by one atomic bomb in any container in any ship. We cannot afford not to spend the money to search and inspect every single container, whether our intelligence people think it is a high-risk or a low-risk container, every container in a foreign port with an American inspection team to make sure there is no weapon of mass destruction on board that container.

For $5 billion, Mr. Chairman, we could do that. Five billion dollars a year. Compare that to trillions of dollars in tax cuts that we have passed in these last 2 years. Where does the risk lie for the American people? I would urge, and I would challenge the Bush administration to make the $5 billion a year available and to institute this and to say to foreign countries that no container gets put on a ship in their port without being inspected first by an American inspection team.

And, by the way, if they did not want an American inspection team in their ports, that is fine, they are sovereign, but they cannot ship anything to the United States. We must hermetically seal this country from nuclear bombs possibly contained in ships, and this is the only way to do it. The failure of this Congress and of the administration to deal with this subject seriously is one that I hope will not result in cataclysmic catastrophe for the American people.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I could not let the gentleman's statement go unanswered. We cannot talk in this forum about all that we are doing at our ports in searching container freight and other freight. I would be happy to talk to any Member privately about it, but we cannot talk about all that we are doing in a public forum because it is sensitive information.

However, the Customs and Border Protection Agency tells me that they are inspecting 100 percent of all high-risk cargo based on collecting advanced information such as manifests, intelligence, and targeting systems. I have had the experience of going to some of those ports myself and watching the operation. Watching as we use the equipment on these containers that we do search and then the ones that we physically search.

The 2003 spending bill had monies in it for a thing called the Container Security Initiative, essentially operating at about 20 megaports and several smaller ports all over the world. The idea is to push the perimeter of defense off of our shores. We all know if a bad container gets to us, it is too late. If you catch it only when it comes to your port, it is too late. So we have moved offshore to 20 megaports now, places like Rotterdam, Singapore, and the like, and inspecting and searching and securing containers before they ever sail for America.

□ 1615

Mr. Chairman, the bill provides $62 million to expand that to 30 megaports around the world and especially those in very sensitive parts of the world.

Now we already have in place $165 million from the wartime supplemental that we passed for additional inspectors, agents, technology and $129 million for additional inspection technology in this bill. Those monies will be used to push the border out to these 30 foreign seaports through the Container Security Initiative, but there is also $12 million for government-private partnerships to tighten security in private facilities and $3 million to continue what is called the Operation Safe Commerce to make smart containers and our supply chain even more secure.

I want Members to know that we are focusing exactly on what the gentleman has talked about, and that is container freight. There are more than 17 million containers a year, there is 17 million a year; 7 million comes by sea, 12 million by land across our borders with Mexico and Canada. It is a huge problem to deal with.

However, if we stop and search physically every single container regardless of whether or not it looks to be suspicious for some reason, we would absolutely shut down commerce in the world. So much of our commerce depends on the container freight business. I think we are going about it the sensible way. I am convinced after having visited several ports, spending a lot of time with the folks that are doing this, looking at the machinery and the results and how they go about doing it, that we are doing as good as we can in the span of time that we have had. Obviously it is going to get better. We are going to keep pushing at it. That is the reason we have loaded this bill down with money for that very purpose. I thank the gentleman for bringing this issue to us so we can discuss it.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to pick up where the last two speakers spoke, and that is the question of port security and what we know or do not know about the 20 million containers that come across America's borders every year, come by truck and train traffic, and the rest through ports.

I have to say that I appreciate that the committee is doing a lot. The question is when will the committee be done doing its work, and when will the Nation say that it knows enough about the containers coming into its ports. I am not sure that we can inspect every port, but what is very clear is the amount of information that we have to have about these containers from the point of origin to the time that they embark for the United States is incomplete. Even the effort to go into the megaports, which I think is important since some 80 percent of the commerce is shipped through those ports, that does not tell us, that does not give us the kind of information about the containers even coming to the megaports. That is what has to be established. A system, a credible system has to be established so those individuals responsible for the security of this Nation and the movement of those containers across the borders of this Nation are able to make an assessment as to the security of this Nation posed by those individual containers.

We are not going to be able to inspect every one of them because commerce is not going to allow us to do that. It would break down the system. But we can require a great deal more information about the contents of that container, the sealing of that container, the movement of that container, through electronic locks, through GPS systems, so we can start to trace that. Then we can make our decision upon risk. But by the time that container gets into the port of Hamburg or Hong Kong or Long Beach or Oakland, California, it is too late. If one of these container goes up with a dirty bomb, you will shut down the globalized container system in this world because we then will have to inspect every container. That is too late. That is far too late.

The terrorist does not just have to strike. As we saw, terrorists now understand that beyond the initial act are the economic consequences. They now see what that means. But if they are going to come to the United States and they want to do our people harm, they put in a nuclear device, they put in a dirty bomb, inspecting it in the Port of New York, the Port of Long Beach or the Port of Oakland is far too late. It does not matter if it goes up on the ship once it comes through the Golden Gate, if it goes up on the port property, or it goes up on the railroad train, that is too late. Of those, we are inspecting 2–4 percent of the containers.

At some point we have to establish a deadline so that people will know, as the gentleman from New York (Mr. NADLER) said, if they want to engage in commerce in the United States, an inspection system has to be in place going back to the point of origin to follow that container all of the way.

We did this in the oil spill liability provisions after the Exxon Valdez. We said in 25 years if you want to continue to have access and ship petroleum products to the United States, you will do it in double-hulled ships. We should

be saying to the shippers, to international commerce, by 2004 or 2005 if you want to continue to have access, you have to provide for this monitoring of cargo, for the transparency of the system and the monitoring of the ships.

We have some 40,000 ships roaming around the world with containers on them. This is the kind of system that the American public is entitled to, and why so. As the gentleman from New York (Mr. NADLER) pointed out, many of the experts which have been briefing Congress since September 11, 2001, have been telling us we are more likely to have a dirty bomb come into this country by way of container than we will ever have the risk of it coming in by way of missile. That is the threat to the home front. That is the major threat.

What we see here, while we are taking these incremental steps and I applaud many of them, we do not have a plan for deciding at what point this is going to be a secure system. We have to start putting deadlines on the transparency of this system, on the security of this system, and access to the American markets. That is how we are going to get unified system.

The gentleman from New York is right. The Container Security Initiative, the Operation Safe Commerce, the Customs Trade Partnership Against Terrorism are all important initiatives, but they are taking too long. They are taking too long. What is the price of security? What is the price of the home front? What is the price of a secure port system and a secure transportation system? Those are the questions we have to start asking ourselves, not whether we have put in another $100 million or $200 million; is the system secure. Right now we cannot tell the American public that in the foreseeable future that our system is secure.

The CHAIRMAN. Are there any further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

FEDERAL AIR MARSHALS

For necessary expenses of the Federal air marshals, $634,600,000, to remain available until expended.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $231,700,000, to remain available until expended: *Provided*, That of such amount, $100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117.

INTELLIGENCE

For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, $13,700,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $125,700,000, to remain available until expended.

ADMINISTRATION

For necessary expenses of the Transportation Security Administration for administrative activities, including headquarters and field support, training, and information technology, $487,100,000, to remain available until September 30, 2005.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For the necessary expenses of the Federal Law Enforcement Training Center, $136,629,000, of which $26,635,000 shall be for material and support costs of Federal law enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; conducting and participating in firearms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement training, including the advertisement and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for students undergoing training at Center training facilities; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones for official duties: *Provided further*, That (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement for this training; and (3) such reimbursements shall be deposited in this appropriation: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Center is authorized to accept and use gifts of property, real and personnel, and to accept services, for authorized purposes: *Provided further*, That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and environmental programs: *Provided further*, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center-provided housing, to the extent available and in accordance with Center policy.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,323,000, to remain available until expended: *Provided*, That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: *Provided further*, That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center, which shall be responsible for scheduling, use, maintenance, and support.

OFFICE FOR DOMESTIC PREPAREDNESS

DOMESTIC PREPAREDNESS

For grants, contracts, cooperative agreements, and other activities of the Office for Domestic Preparedness, as authorized by the Homeland Security Act of 2002 (Public Law 107–296) and the USA PATRIOT Act of 2001 (Public Law 107–56), $3,503,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading—

(1) $1,900,000,000 shall be for basic formula grants;

(2) $500,000,000 shall be for grants to State and local law enforcement for terrorism prevention activities;

(3) $200,000,000 shall be for critical infrastructure grants;

(4) $500,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and

(5) $35,000,000 shall be for grants for Centers for Emergency Preparedness:

Provided further, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt: *Provided further*, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local governments and shall be distributed by the State within 60 days of the receipt of funds: *Provided further*, That section 1014(c)(3) of Public Law 107–56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime as needed.

AMENDMENT NO. 2 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 2 offered by Mrs. MALONEY:

In title II, in the item ''OFFICE FOR DOMESTIC PREPAREDNESS—DOMESTIC PREPAREDNESS'', in paragraph (4) after the dollar amount insert ''(increased by $300,000,000)''.

In title III, in the item ''DISASTER RELIEF (INCLUDING TRANSFER OF FUNDS)'', after the first dollar amount insert ''(reduced by $300,000,000)''.

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Mrs. MALONEY. Mr. Chairman, the al Qaeda has not gone away, and we know al Qaeda does not choose its targets at random, it chooses targets to inflict the greatest numbers of casualties, to do the greatest damage economically, and to get the most publicity. Just last week, we were reminded that New York is still a target when the Attorney General announced that an al Qaeda terrorist was targeting the Brooklyn Bridge. He was deterred from attacking the bridge by the efforts of the New York Police Department.

This is just one example of how since 9/11 a large share of the burden of providing for the national defense has fallen on our cities. In Congress we have provided some funds to help. We even sent part of the money to where the need is. In fiscal year 2003, we provided $2.9 billion for grants to State and local governments to help them prepare for and defend against terrorist attacks. We even said that $800 million of that should be directed to where the threat is greatest. That is about 30 percent. The rest of the fund went out under a formula that is entirely unrelated to where the terror threat is.

Under this bill as it is currently drafted for the next fiscal year, that 70 percent will increase to nearly 83 percent. Our effort to protect the most likely targets of terrorism is moving backwards. We are cutting the funds to the Nation's most threatened cities by almost 40 percent, by $300 million, from $800 million to $500 million, and we are increasing the percentage that will go under the formula that is unrelated to potential threat, a formula that Secretary Ridge has repeatedly said is inappropriate and must be changed.

This formula sends the money where the threat is not. Just yesterday Secretary Ridge himself said of the high threat money and I quote, ''I would like to see the number significantly higher than $500 million.'' He went on to say, ''At the end of the day, I do believe that there are some communities and regions that need more money.''

My amendment will simply follow Secretary Ridge's advice and restore funding for high-threat cities. I understand that this approach is subject to a point of order. I originally had wanted to shift money from another account, but the fact is this bill severely underfunds our security needs. Resources are too scarce to shift between accounts, but our cities need more funding. New York City spent more than $200 million over the last year on counterterrorism. The grants so far amount to $220 million for New York, but very little of that can offset the personnel costs that the city has identified at more than $900 million.

The assistance provided after the September 11 attacks paid for cleanup and replacement of equipment. It did not cover the security costs. This is not just an issue for New York and Washington, but it is a high-priority issue for many cities, including L.A., Chicago, San Francisco, New Orleans, Kansas City, Cincinnati, Houston and any city with a port or a mass transit system.

Mr. Chairman, it is our responsibility to appropriate the funds needed to protect the American people and this bill falls dangerously short. Respecting the request of the gentleman from New York (Mr. SWEENEY), who has worked very hard in a bipartisan way for New York City and State, I am withdrawing my amendment, also at the request of the gentleman from Kentucky (Mr. ROGERS), and I appreciate the commitment from the New York delegation, the gentleman from New York (Mr. HINCHEY), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from New York (Mr. SERRANO) along with help from the gentleman from Minnesota (Mr. SABO) and the gentleman from Wisconsin (Mr. OBEY) to restore this in conference.

□ 1630

I appreciate very much the leadership of the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS).

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

Mr. Chairman, first of all I want to quote Secretary of Homeland Security Ridge from an Associated Press article yesterday. This is what he said:

''At the end of the day, ladies and gentlemen, if you take a look at the population, the density of population, the critical infrastructure and the threat, there's one city that no matter how you move those factors around or weigh those factors, there's one city at the top of the list and it's New York City.''

I want to associate myself with the gentlewoman from New York (Mrs. MALONEY), the things that she said. We will have other people from the New York delegation speaking about this as well, because we feel very, very strongly about getting the money for homeland security for New York City which is obviously, as Secretary Ridge said, the number one threat.

In fiscal year 2003, we provided $2.9 billion for grants to State and local governments to help them prepare for and defend against terrorist attacks. $800 million, or about 30 percent of that, was directed to high-threat areas. The rest of the fund went out under a formula that is entirely unrelated to where the terror threat is. Under this bill, as it is currently drafted for the next fiscal year, the 70 percent that is not related to high-threat areas will increase to nearly 83 percent. I believe that that is wrong.

Just last week a plot was uncovered, as my colleague said, to blow up the Brooklyn Bridge. Our intelligence agencies continue to say that New York remains a top target for terrorists and common sense would tell anybody the same thing. New York has been hit twice by radical terrorists. Thousands have died. We continue to rebuild; but to better ensure our safety and the safety of the world's financial capital, we need to better spend Federal tax dollars. When New York is hit by attacks, all Americans are hurt. The economic impact is all over the country. People in Montana, Oklahoma and Oregon, it affects everyone in this country when New York is hit by attacks.

I also had intended to offer an amendment to move $500 million from the State grant program to the high-threat program. I will not do that because I understand that there are needs across the country for assistance. Thus, it is obvious that this bill is not adequate to our needs as a Nation. I hope that we can somehow get around to the fact that we desperately need more money for high-threat areas. I would hope that in the negotiations between us and the other body that we would rectify this.

Why is this bill underfunded in my opinion? The answer is simple math. We have cut our revenues by trillions of dollars to pay for tax cuts. There is a trade-off, I believe, tax cuts or security. We believe that security is more important. My friend from Wisconsin wants to add an amendment to limit the tax cut for millionaires to just over $83,000 this year instead of the $88,000 they are set to get. I do not think it is too much to ask that people who have benefited the most in this great Nation pay $4,000 more for the security of all of us.

Mr. Chairman, I again hope that when we have our negotiations, when we have our conferences that we will be able to put more money where it belongs to protect high-threat areas like New York City.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

I am compelled again to talk about New York. All of us here are sympathetic, understanding, we want to help; but I feel compelled to lay out some facts that have not been laid out here. The fiscal year 2003 bill, we gave $800 million in that bill for the high-threat, high-density urban area grants and the discretion of the Secretary. $100 million of that was in the omnibus; $700 million was in the supplemental. However, that money has not been spent. There is $800 million laying there. Why? Because the grant application deadline for that first $100 million just ended on June 16, a couple of weeks ago, and has not been processed. The application deadline for the $700 million that was in the supplemental is not up until July 7. We have not processed the applications yet. Those moneys will be going out there, to New York and the other cities.

In addition to that, what I am saying is, I guess, have a little patience. Number two, when the President's request

came up to us for fiscal year 2004, there was no request for high threat, high-density urban grant moneys. Zero. The subcommittee worked on it, and we put in $500 million. Now people call that a cut. Boy, that is a strange use of the word. We increased it $500 million. If the Secretary thinks we ought to change that, then he needs to send us a budget supplemental and amend his request and we will consider it.

However, all of the other grant programs, and there are six or seven of them, there are basic formula grants, there are law enforcement terrorism prevention grants, there are critical infrastructure grants, there are firefighter assistance grants, there are emergency management performance grants, there are emergency operations centers grants, all of which New York is eligible to apply for. We increased those funds over what the President wanted us to by $1 billion. So that now there is $4.04 billion available in those grant programs immediately. I would guess just by the odds and by the importance of New York that when you apply for those grants with the increased numbers there, all of these grants, you are probably going to wind up with more money than you got this year. But, please, have patience and understand that the rest of the country is interested in this as well. We want to help you, but I ask for your patience and understanding.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendments offered by the Members from New York. While it is true that we do not know where the next attack may be and that the entire Nation is vulnerable, I believe that it is important to recognize those areas considered as high-threat and high-density. The gentleman mentioned that there are other cities involved and, of course, we know that. Take my own city of San Diego as an example. San Diego is home to nearly 3 million residents and hosts millions of tourists annually. It is one of the regions that I believe Secretary Ridge has spoken about. In fact, he voiced those concerns when he visited San Diego recently. We have an international border and ports of entry, a coastline, a seaport, a busy airport, several major highways, a mass transit system, large public venues such as SeaWorld and Qualcomm Stadium, site of the Super Bowl. We have numerous military bases and military housing areas, and even a nuclear power plant. Protecting such an extensive list of vulnerable areas requires significant resources. Yes, we are applying for a lot of that money. We are trying. We are doing our best.

Like all of my colleagues, I have heard from my first responders, from the sheriff's department, the police department, the fire department, the Coast Guard, the port authority, the Navy, the Marines and others about their struggle to protect our critical infrastructure. I believe that they are doing a fabulous job. But they need more, and they need our help. This is an important amendment. I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADY of Texas:

In title II in the item ''OFFICE FOR DOMESTIC PREPAREDNESS—DOMESTIC PREPAREDNESS''—

(1) in paragraph (1), after the dollar amount insert ''(reduced $200,000,000)''; and

(2) in paragraph (4), after the dollar amount insert ''(increased by $200,000,000)''.

Mr. BRADY of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BRADY of Texas. Mr. Chairman, I would first like to commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) for their leadership and hard work on homeland security. I rise today in support of the Weiner-Brady-Fossella amendment to make our homeland security budget smarter and more targeted to high-threat areas. We are at war in this war on terrorism. In war, there are likely targets and there are less likely targets. You protect them both. I know that Chairman ROGERS and Chairman YOUNG have fought hard to make sure we do exactly right, protect both likely targets and less likely targets.

What this amendment does is focus on those communities, on those States that will likely be and have been identified as high-threat, high-density urban areas. The States that have these high-threat communities include much of our country, New York and California, Texas and Illinois, Arizona and Colorado, Florida, Hawaii and Georgia, Massachusetts and Maryland, Michigan and Missouri, New Jersey, Ohio and Pennsylvania, South Carolina, Tennessee, Washington and the District of Columbia, all States that are host to urban areas that are at high risk and high threat of a terrorist attack. This amendment targets $200 million and shifts it to the high-threat, high-density urban area funding. Part of the community that I represent, Houston, Texas, is on that list of top 10 communities. It is, I would imagine, as a result of both communications from al Qaeda terrorists, from information received from interviews with al Qaeda operatives and Houston is, of course, the energy capital of the world. It is home to more than 50 percent of the oil and gas refining in this country. If you chose to target America's energy supplies, if you chose to bring this country down by taking down our energy pipelines or our oil and gas facilities, this is where you would start. But we are not the only community at high risk and high threat of a terrorist attack. There are many throughout this country.

What we seek from this amendment is making sure that these communities have a pool of money with that threat. More importantly, we make sure that when other communities are added to this list, when they suddenly become at high threat and a high-risk community, that when they come to the Federal Government for help, they are not told, we're sorry, we sent this money to other regions, less likely, less at risk, but that was the money we had. Unfortunately for all our efforts, and I know our government moves so slowly, even with the best intentions, I am afraid our communities do not understand our grant application process. I do not think they understand our time line. I think our communities are at risk today. We offer this amendment in good faith, recognizing just how diligent our chairman is in trying to protect communities of all size and all risk.

Mr. WEINER. Mr. Chairman, I move to strike the last word. I want to thank the gentleman from Texas, the gentleman from New York (Mr. FOSSELLA), the gentleman from New York (Mr. NADLER), and others with whom we have consulted on trying to come up with a way to answer some of the fundamental questions. First of all, I think that we can be of agreement because, frankly, every Member, including the distinguished chairman and ranking member, have said that yes, the total number of dollars is probably not enough and this is going to be an ongoing process to see to it that we do allocate enough money to this because, frankly, we have no choice.

I want to thank the gentleman from Kentucky, the gentleman from Minnesota, the gentleman from Wisconsin, and others who have worked so hard to get that number as high as we can get it. There also, I believe, can be no other answer but yes to the question, do some areas have greater costs than others? Are there greater costs in ports of California, in States like New York? I will give Members an example. It is costing New York City $13 million a week to deal with the needs of homeland security. A week. If you drive over the Brooklyn Bridge at 3 o'clock in the morning on a weekday morning, you will find both lanes inside closest to the stanchion with a fixed patrol car sitting there all day, all night, because of the national security threat that exists. That is more police man-hours than many police departments, and that is something that New York is absorbing because of these risks.

Another question that is a little tougher to answer, but I know how I would answer it, is who should decide how homeland security funds get divided? Should it be my distinguished colleagues on the Committee on Appropriations and those of us in this body,

or should it be Secretary Ridge and the administration? I vote for the gentleman from Kentucky and the gentleman from Minnesota and others here in this body, but I think we should keep in mind what Secretary Ridge has said.

□ 1645

Secretary Ridge has said very clearly, in fact, just within the last 24 hours, that he believes that the present way we are distributing the money should be changed. He said ''distributing those dollars according to the old formula, I don't believe we get maximum security for the dollars that are expended at the national level.''

This is continuing the quote: ''I'd like to see the numbers significantly higher than $500 million.''

He goes on to say, ''I think every State should be given a certain amount of money,'' a sentiment that I agree with, ''but at the end of the day, I do believe that there are some communities and regions that need more money.''

Continuing the quote: ''I have concerns about the distribution formula, [where] We just basically send out dollars to States and localities on a formula that doesn't consider infrastructure, doesn't consider anything other than population.'' I do not believe that is where are we at this House, and frankly I do have great confidence in my colleagues deciding how to distribute the money, but we do have to recognize that this is not just a New York City issue, as the chairman alluded to previously. This is an issue that affects about 30 different States and localities all around the country. The gentleman from Texas articulated the needs of his district. Others have come to this floor and talked about their cities and States. The fact remains that there are certain places that unfortunately are more likely today to be targets of terrorist attack than others and have to take steps that cannot be avoided. If for no other reason, many of the trials that are being held of those that are accused of terrorism are being held in New York City. Just the enforcement costs in Washington, D.C. and suburban Virginia, in New York City, in Chicago, Illinois in one case, just those costs are much higher than they are elsewhere. There has been a large increase in the overall basic formula grant, and I think the committee deserves great credit for this. What this amendment seeks to do is take the $700 million that was allocated last year, increase the $500 million to that $700 million. That still provides a $700 million increase in the basic formula grant, and I believe that that is a healthy step.

I, however, want to say in closing, I want to close the way I began, I do believe that the chairman in his colloquy that he entered into earlier has clearly articulated his desire to get the money where it needs to go. I do believe that this is an amendment that gets the chairman and gets our House to that place.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I would like to ask the gentleman from Kentucky (Mr. ROGERS) a question.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I would be happy to answer a question.

Mr. SABO. Mr. Chairman, did I just hear correctly a little while ago that the Secretary's request of our committee for the high-threat urban grant was zero?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. And our committee has recommended what?

Mr. ROGERS of Kentucky. Five hundred million.

Mr. SABO. Five hundred million. And this goes to a limited number of communities in the country?

Mr. ROGERS of Kentucky. It goes to the so-called high-threat/high-density urban areas of the country, and I think they are talking probably of 20 cities or less, in the complete discretion of the Secretary.

Mr. SABO. Which criteria that many of us have trouble understanding yet. The balance of the money flows by formula to the States, including the States that are eligible for this additional $500 million?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. Reclaiming my time, for those of us who come from the heartland of the country, we are having discussion over how much money should go to ports. We have allocated a significant amount, and others would like to allocate more. My assumption is most of that goes along the coast.

Mr. ROGERS of Kentucky. I would guess so. But there are not many ocean ports in Minneapolis, I do not think.

Mr. SABO. No. We do have a river one but fairly small. So I think it would be fair to say we made a special effort to try to allocate more money to ports, that that will go to a limited part of the country.

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. But we find that when we raise threat levels in this country, the law enforcement and local responders are expected to respond throughout the country and they have the same problem over time, training, teaching people how to use new equipment, wondering what it means, increasing pressure on local law enforcement. What I hear from all of them is that their expenditures exceed whatever revenue they are getting from the Federal Government. I expect the gentleman hears the same thing.

Mr. ROGERS of Kentucky. I hear the same thing every day.

Mr. SABO. And this amendment, as I understand it, would take some of this little money that we distribute throughout the country and say we are going to cut that from everyone. Where they are working, trying to coordinate expenditures to make most efficient use of it, take it from that and give them to a few areas where we have already increased the administration's budget by $500 million; am I right?

Mr. ROGERS of Kentucky. That is the way I understand the amendment. It would take $200 million away from all the States in order to beef up this cap from $500 million to $700 million just for the high-density/high-urban area grants.

Mr. SABO. Reclaiming my time, and this is money that local responders can use for buying new equipment in a coordinated fashion, in a State plan or for training to have them become equipped to meet the threats that may occur in this country?

Mr. ROGERS of Kentucky. The gentleman is correct. In addition to that, as we have previously said, the subcommittee increased the amount of money for all of the grant programs of which there are seven, for firefighter grants and for infrastructure grants, emergency management grants, formula grants to States and cities and the like. All those grant programs, we increased by $1 billion above what the President wanted and $203 million more than the 2003 levels. So all of the States that have these high-density urban areas that would be eligible for the high-density grants will also be eligible for very larger pots of money that everyone else is trying to share with, and yet this amendment would take from that moneys and put it into the high-density/high-urban areas. We have gone through this in our subcommittee and in our full committee and we have labored with it and wrestled with it with the gentleman and in a bipartisan fashion from big cities and small, big States and small, and this was the best we could do. We think it is a fair way to do it. And to take the moneys from one area now and give it to another would open us up to an ugliness that I do not think we need to see in this battle.

Mr. SABO. Mr. Chairman, I thank the gentleman for his comments, and I think he has given good advice to the body.

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

Mr. Chairman, in spite of the wonderful exchange, I rise in support of the amendment, and I have great respect for the Members here on both sides and what they go through in this process. It is a difficult one to question and constantly evaluating and balancing priorities.

My number one priority, as far as I am concerned, is to protect the American people. I think everybody in this Chamber supports that proposition. The question is how you would do that

the best way? We could do it in a lot of different ways. We can root out the terrorists overseas as our great brave men and women are doing in Iraq and Afghanistan and around the globe. That is one way. We have great local police departments and Federal law enforcement officials, intelligence officials who try to root out evil before it pops its head, and we can allocate funding to the places that need it the most. And I know there may be a fundamental difference as to where that money should go, and that is okay. But if the Members asked me how I stand up here and proclaim that not just New York City but those areas that we have defined as high-threat areas should get a disproportionate amount of this money, Exhibit A is September 11. Exhibit A demonstrates that the terrorists sought out places like New York City. Why? Because it is the capital of finance, the capital of the world in some people's minds, and, indeed, as we hope and pray they are not, but, indeed, they are out there trying to do the same thing right now. So if the Members ask me why we are here to try to shift the money to what we think is a priority, I think I would say I do not ever want to see something like September 11 happen again. And with all due respect to the towns and villages around the country that wrestle with this problem every day, I think it is common sense to suggest that some areas could be more targeted than others. I do not think there is an American who would not say every town is equal in that respect. So I would hope, and I take the chairman at his word because I have immense respect for him, for the people who he has around him, to work with us to ensure that not just New York City, but those urban areas full of American citizens get that funding they need.

It has been brought up before what Secretary Ridge says. I am not going to rehash it. I will submit it for the RECORD. New York City, counterterrorism, intelligence and public safety, $200 million; training for first responders, police, fire, $99 million; security enhancement for facilities, $187 million; emergency preparation response equipment, $189 million; communications and information technology, $223 million. Total loan, $900 million.

The gentleman from New York (Mr. WEINER) and the gentleman from Texas (Mr. BRADY), who offered this, the gentleman from New York (Mr. NADLER), and I know the gentleman from New York (Mr. SWEENEY) has worked hard. He mentioned the Brooklyn Bridge. Go to any bridge in New York City, any tunnel, 24 hours a day, people scanning cars, checking cars, checking trucks. Why? So that anybody coming into the city can feel more free and secure. That is what this debate is about. And I am hopeful that the good chairman once again, and I believe him, will follow through and use all existing systems to ensure that these cities and urban areas get what they deserve and get what they need.

TOM RIDGE. Well first of all, I share both the Governor's and the Mayor's concern to reduce distributing those dollars. According to the old formula, I don't believe we would be at maximum security with the dollars that are being expended at the federal level. We are going to work to get that number as high as possible. Having been a member of Congress for twelve years, that's the beginning of the process. The House has had a number in mind. They've passed that and we'll be working with the Senate. There's still a long way to go, but I would like to see the number risen, significantly higher than the $500 million.

REPORTER. Mr. Secretary, have you given the Governor and the Mayor a specific limit, a specific amount of money?

TOM RIDGE. No, I think we are all in agreement that it would have been a nice place to start with the 750. If we can get the Congress to restore that quarter of a billion dollars, that would be a great place to start. To finish there, that would be at least preserving the status quo. As for the supplemental, we got about $700 million and I think at least preserving what we are able to distribute before. At the end of the day ladies and gentlemen, if you take a look at the population, the density of the population, the equivocal infrastructure and the threat, there is one city that no matter how you move those factors around and weigh those factors it ends up at the top of the list and its New York City. I think every state should be given a certain amount of money and they build up a capacity to protect the infrastructure, and the capacity to respond, and the capacity to prevent a terrorist attack. But at the end of the day, I do believe there are some communities and regions that need more money because of the multitude of factors, not just population.

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

Mr. Chairman, I appreciate, as do other speakers, the hard work of the members of the Committee on Appropriations and of the chairman and ranking member of the Appropriations subcommittee. The bill before us provides $500 million for 47 high-threat/high-density areas, 47 cities. People are talking about New York. We are talking about 47 cities that are high-risk areas, $500 million. The bill also provides, as I understand it, $1.9 billion for the rest of the country. Low risk or less than high-risk areas. The amendment would change that somewhat to make it $700 million for the 47 high-risk areas, $700 million for all 47 high-risk areas combined, and $1.7 billion the low-risk areas or less-than-high-risk areas in the rest of the country. By way of comparison, just keeping police officers on duty costs the City of New York, one high-risk area, $676 million a year. This amendment would make $700 million available to all 47 high-risk areas. So we are talking about a small fraction of what any of these high-risk areas are spending.

There is not enough being allocated, there is not enough that we could allocate, for all the high-risk areas and the rest of the areas. All some of us are saying here for New York, for Pennsylvania, for Illinois, for Houston, for Texas, for other high-risk areas is that we should be a little more rational in allocating the funds a little more on the basis of where the heavier expenditures are necessary because of where the risks are and how much it costs to guard against those risks and a little less on the uniform geographic basis which is the other half of this allocation.

□ 1700

Now, I understand, of course, that in the end the committee and the conference committee are going to make this allocation. What we are saying now is we want to bring to the attention of the body some of the considerations that say that there should be a little more rationale, rationality, to put a little more of the money for high-risk areas where so much more is necessary.

I appreciate the work that has been done by the committee and the work that will be done. I hope the committee will see its way clear to balancing this a little better, not for New York alone, but for the other 46 high-risk areas which have billions of dollars that have to be spent on this, not hundreds of millions.

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

I would simply like to observe one fact, Mr. Chairman. I understand that one of the reasons why so many members of the New York delegation are exercised on this issue today is because Mr. Ridge, who is the head of the Homeland Security agency, was quoted in the newspapers saying that, yes, it was absolutely true, there ought to be more money for high-threat areas. That is very nice to hear him say that.

The problem is, his budget, the budget presented by the President on behalf of his agency, had not one dime in for that purpose, and this committee put in $500 million. It was $700 million that was put in in the omnibus just a few months ago.

So I appreciate the sentiments being voiced here today, but I would point out that since this House passed a tax package which has taken away this committee's ability to provide funding that we ought to be providing for this and other high-priority areas in this bill, it seems to me that at this point, rather than asking this committee to get a double hernia trying to do something which is fiscally impossible, given the budget caps that we have been provided, it seems to me what he ought to do is march down to the White House and tell the President to amend his budget and his tax bill so we can afford his legitimate request. Without that, to me, at this point, we are just flap-jawing and we are not going to have any real opportunity to help the areas of the country you are talking about, except by hurting other areas of the country.

The Republican tax package which my colleagues voted for on that side of the aisle has put us in this position

where, if we are going to deal with problems in one section of the country, we have to beggar thy neighbor. I am not very enthused about that. I think New York and other high-impact areas deserve this money, but I think the rural areas do too; and I would simply say that short as this bill is on this item, it does a whole lot better by that part of the country than the President's recommendation.

So the first thing I would say to Mr. Ridge is, go back to Washington and lobby your President, to ask him to put in the money that you told the New York folks was necessary.

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

Mr. Chairman, I am going to probably not take the full 5 minutes because, in part, I am going to reiterate some things that have already been said here on the floor: in part, the colloquy that the chairman of the subcommittee engaged in and, in part, in reflection of the last two amendments in particular, which I think point out the real difficult task this subcommittee, this chairman, and the ranking member faced in the course of putting together this plan.

In stating the obvious, I will agree with the ranking member of the overall committee. It is quite clear that there apparently has been a change at the administration; that the current plan or the current structure of the plan that was sent forward has changed significantly, certainly overnight, and it is somewhat reflective in the fact that my colleagues in the New York delegation have come to the floor and have argued vehemently. But they are not new to that argument. We have all been making the case that we are not quite sure whether there is enough money in high-risk, high-density funding in this particular program. But I can tell my colleagues that not anyone, Mr. Chairman, in this Chamber, in this House, and in this Nation can tell us whether we have appropriated enough at this point in time. That is exactly the point, exactly the point that I think the chairman of the subcommittee has been making.

Given the information we have now, given the money that has been appropriated and flowed out, given what we know in terms of the expenses, and we talked about it in that colloquy earlier, we are trying to meet those needs, that this House has recognized that needs exist in specific areas that rise to a certain level above what the rest of the community is, and that it is somewhat grossly unfair for us to have to make those determinations on where exactly all of this goes, taking possibly from one area unequally and giving to another area.

But it is absurd to make the point or argue that there is not enough money there. We have appropriated billions and billions of dollars, and what we see here in place is a work in progress.

I would say to my friends from New York especially, but to those from other parts of the country who have introduced the last couple of amendments who would like to see us take from one fund to the other, that that is not the appropriate course at this time, given the information that we have. I actually trust the notion that when we go to conference, the very people who created the high-risk, high-density fund, the gentleman from Kentucky (Chairman ROGERS), this subcommittee, are in the best place to determine what that appropriate funding is going to be; and I have every bit of confidence that we are going to be able to meet that need.

There has been an acknowledgment on this floor by the chairman, by this committee, that the work is incomplete; that there are needs that are going to be met. It is not just here in high-risk; it is in a lot of other places. But given the opportunity to examine that, I hear the call from the chairman, and I have every bit of confidence that we are going to be able to do that, equally covering the needs of the rest of the communities in our Nation to ensure the safety of the American people.

Mr. BRADY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Texas.

Mr. BRADY of Texas. Mr. Chairman, based upon the gentleman's comments, the hard work that the gentleman has done, and I know that this is a key issue and I appreciate the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. FOSSELLA) and others who are involved in this, and I also appreciate the strong leadership of our chairman, the gentleman from Kentucky (Mr. ROGERS); and based upon this discussion today, based upon the hard work, because we all try to raise the level of funding for our communities, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—EMERGENCY PREPAREDNESS AND RESPONSE

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $168,589,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which not to exceed $3,000 shall be for official reception and representation expenses.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $363,339,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which $25,000,000 shall be for emergency operations centers grants: *Provided,* That the aggregate charges assessed during fiscal year 2004, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided further,* That the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further,* That fees received pursuant to this section shall be deposited in this account as offsetting collections, shall become available for authorized purposes on October 1, 2004, and shall remain available until expended.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

BIODEFENSE COUNTERMEASURES

For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: *Provided,* That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

GRANT PROGRAMS

For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3) (B)–(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $200,000,000, to remain available until expended, of which $20,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: *Provided,* That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): *Provided further,* That notwithstanding section 203(f) of such title II (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3½ percent of the total appropriation.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to, first of all, before I enter into a colloquy with the distinguished chairman, thank the chairman of the subcommittee. Even before it was created, the leaders on this subcommittee were instrumental in helping our first responders.

There has been a lot of rhetoric about this Congress not doing enough for the first responders. Let me say to my colleagues in this body that before 9–11 occurred there was no program to assist our first responders nationwide, nothing. And Congress has, over the past years, had plenty of opportunities, but never saw fit. And disasters were not new. We had them all during the history of this country.

It was this Congress in 2000, with the leadership of the distinguished chairman of the full committee and the distinguished chairman of this subcommittee, who saw fit to create a grant program for our 32,000 fire and EMS departments in America. That was created in 2000, the year before 9–11. Initially, it was funded at $100 million. It went to $300 million, and this year, because of the leadership of the distinguished chairman from Kentucky and the support of the ranking member, the support for our firefighter grant program is at $715 million.

Many of our colleagues have said it is the most popular and most successful program that Congress has created. We are doing good work on behalf of the Nation's first responders. I want to applaud this subcommittee for their outstanding efforts and let them know, as the founder and chairman of the Fire Caucus and a former fire chief myself, they have done outstanding work; and it is paying dividends all over the country.

So, Mr. Chairman and Mr. Ranking Member, thank you for your strong support of the Nation's first responders.

Mr. Chairman, I rise today to engage in a colloquy with my colleague, the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of this subcommittee, regarding a very important program called FIRESAT.

Mr. Chairman, one need not look further than the news reports of the destructive and violent wildfires in Arizona. In 2000, over 8 million acres of pristine wilderness burned, and Federal agencies expended more than $1.3 billion in fire suppression costs. Last year, in 2002, wildfires scorched over 7 million acres. Hundreds of homes were destroyed and firefighters gave their lives.

FIRESAT is a satellite system that is able to detect wildfires in their early stages while they are still less than 1 acre in size. While the tools are at our disposal to save lives and billions of dollars, the equipment for this program remains boxed in offices in Reston, Virginia. This project can be fully activated with the necessary security upgrades and software upgrades in time for the fire season this year for $7.5 million. In relation to the billions of dollars lost in these wild land fires every year, this is truly a smart investment. Finally, Mr. Chairman, we have the technology and the means to do something about this.

FIRESAT was originally labeled the Hazard Support System and developed by Ratheon with funds which I obtained from the Department of Defense in 1997. The system was subsequently transferred to the U.S. Geological Survey and NOAA who, for unknown reasons, did not request funds for the program in their budget. At the request last year of Joe Albaugh, the director of FEMA, we successfully transferred the system, now named FIRESAT, within the Homeland Security Act to the Department of Homeland Security's Directorate for Emergency Preparedness and Response.

Today is our opportunity to install a commonsense solution to the annual wildfires that wreck havoc to communities and forests all over America and place countless firefighters in danger. I hope that under the leadership of the gentleman from Kentucky (Mr. ROGERS) an opportunity will present itself to fund this economical and much-needed program.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding.

Let me return the thanks. The gentleman from Pennsylvania has been our leader in the Congress for first responders, not just firefighters, but first responders in general; and he brings an expertise to this job not just from an educational point of view, but he is back there with them. So I want to thank the gentleman for his leadership on these issues and for bringing this very timely subject to our attention.

Considering the devastation that wildfires cause to our Nation each year, I look forward to working with the gentleman during conference so that we can address this important matter.

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

Mr. Chairman, the House is set to pass a Homeland Security appropriations bill that falls well short of where our country needs to be to effectively combat our greatest vulnerability: the threat to our Nation's port facilities.

Today, in the Democratic Caucus Task Force on Homeland Security, we had the opportunity to hear from Rand Beers, who recently resigned from President Bush's National Security Council because he said that ''the administration wasn't matching its deeds to its words in the war on terrorism. They are making us less secure, not more secure.''

He told us that our Nation's port facilities are crying out for protection and that the administration's neglect of the issue was a cause of great concern and puzzlement for him.

The Coast Guard says that the cost of infrastructure improvements to secure our ports for fiscal year 2004 would run around $963 million. This bill only appropriates $100 million. Welcome funding, yes, but far short of where we need to be.

The Coast Guard also says that it will need $70 million to evaluate the security plans for ports across America by the July 2004 deadline mandated by the Maritime Transportation and Security Act. This bill does not provide any of the $70 million the Coast Guard says it needs.

The Obey amendment would address these and many others needs, yet we cannot consider the Obey amendment here today.

Why is it that we continue to neglect port security funding when the CIA tells us we are more likely to be attacked by a weapon of mass destruction smuggled aboard a ship than we are by an intercontinental ballistic missile? The fact that our ports are threatened might come as a surprise to millions of Americans who watched as Secretary Ridge announced that the Department of Homeland Security was releasing millions of dollars in port security grants.

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But it does not come as a surprise to those of us in Congress who listened as administration officials told us that those scant few dollars appropriated for port security grant programs and Operation Safe Commerce would probably be rerouted to aviation security.

Mr. Chairman, in light of recent world events, this is simply unacceptable. We are not giving port security the funding it needs just weeks after an Egyptian sailor attempted to smuggle anthrax aboard a ship bound for North America. We are not giving port security the funding it needs the day after 600 tons of explosives were discovered aboard a ship bound for a fictitious company in Sudan. And we are not funding port security the same day my hometown paper, the Houston Chronicle, says that al Qaeda might be targeting oil and port facilities in Houston during the Fourth of July holiday.

We cannot afford to ignore the Obey amendment. Like Rand Beers said, ''America's ports are crying out for protection.''

Mr. Chairman, it is about time we start listening.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000 to remain available through September 30, 2005: *Provided*, That up to 5 percent of this amount shall be transferred to

''Preparedness, Mitigation, Response, and Recovery'' for program administration.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000 and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $22,000,000 may be transferred to the Office of Inspector General for audits and investigations.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act; to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed $32,761,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,809,000 for flood mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of such Act of 1968, which amount shall be available for transfer to Grant Programs until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided,* That no funds, in excess of $55,000,000 for operating expenses; $565,897,000 for agents' commissions and taxes; and $40,000,000 for interest on Treasury borrowings, shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $558,000.

TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for citizenship and immigration services, including international services, $248,500,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and recreation and welfare; $4,703,530,000, of which $1,300,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided,* That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $94,051,000.

ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $805,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008 to acquire, repair, renovate, or improve vessels, small boats, and related equipment; $138,500,000 shall be available until September 30, 2006 for other equipment; $70,000,000 shall be available until September 30, 2005 for personnel compensation and benefits and related costs; and $530,000,000 shall be available until September 30, 2008 for the Integrated Deepwater Systems program: *Provided,* That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006 only for Rescue 21 (the National Distress and Response System Modernization program): *Provided further,* That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $19,500,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $1,020,000,000.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

OPERATING EXPENSES

For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security as authorized by law, $776,000,000, to remain available until September 30, 2005.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses of activities of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107–296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of the effects of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Directorate, $900,360,000, to remain available until September 30, 2006.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, $1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitation on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase limitation for the current fiscal year: *Provided,* That $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children: *Provided further,* That $4,783,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided further,* That up to $18,000,000 for protective travel shall remain

available until September 30, 2005: *Provided further,* That subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: *Provided further,* That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further,* That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

Mr. LATHAM (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 37, line 13 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 31, line 6, through page 37, line 13, is as follows:

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

(INCLUDING TRANSFER OF FUNDS)

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities, as approved by the Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations are notified 15 days in advance of such transfer.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

SEC. 505. Except as otherwise provided in this Act, funds may be used for hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: *Provided,* That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 506. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services. Such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

SEC. 507. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for the Secretary of Homeland Security to accept, hold, administer, and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: *Provided,* That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': *Provided further,* That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 509. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 510. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 511. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the department or its directorates from (1) any discretionary or formula-based grant program of the Office of Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 512. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 513. The Federal Law Enforcement Training Center is directed to ensure that all of the training centers under its control are operated at their highest potential capacity efficiency throughout the fiscal year. In order to facilitate this direction, the Director is authorized to schedule basic and advanced law enforcement training at any site the Federal Law Enforcement Training Center determines is warranted in the interests of the Government to ensure the best utilization of the Center's total capacity for training, notwithstanding legislative prohibitions.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 514. Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(t) FEE AUTHORITY FOR TRANSPORTATION CREDENTIALS.—

''(1) Subject to the provisions of this subsection, the Secretary of Homeland Security may impose reasonable fees and charges on an individual or an individual's employer, where such an individual requires a credential or background records check under Federal law for an activity in the field of transportation, to cover the costs of providing the credential or performing the backgrounds records check, including—

''(A) conducting or obtaining a criminal history records check and a review of available law enforcement databases and records

of other governmental and international agencies;

''(B) review and adjudication of requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background records check, and denials of requests for waiver and appeals; and

''(C) any other costs of the Transportation Security Administration related to providing the credential or performing the backgrounds records check.

''(2) The Secretary shall ensure that the fees are reasonably related to the costs of the Transportation Security Administration for providing services rendered. The amount of costs imposed under this subsection shall be determined by the Secretary and shall not be subject to judicial review.

''(3) Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary may impose a fee under this subsection through the publication of notice in the Federal Register.

''(4) Notwithstanding section 3302 of title 31, any fee collected under this section—

''(A) shall be credited as an offsetting collection to the account in the Treasury from which the expenses were incurred and are available to the Secretary for these expenses; and

''(B) shall remain available until expended.''.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against section 514.

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 514 on page 37, line 14 through page 39, line 10. This particular section violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriations bill in violation of the House rules.

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

If not, the Chair is prepared to rule.

The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and the point of order is sustained. Section 514 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 515. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

SEC. 516. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 517. None of the funds made available in this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 518. Appropriations to the Department of Homeland Security in this Act shall be available for purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by section 3109 of title 5, United States Code.

SEC. 519. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 520. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items, or

(2) space for necessary security checkpoints.

SEC. 521. Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period '', or any subsidiary of such an entity'';

(2) in subsection (b)(1), by inserting ''before, on, or'' after the ''completes'';

(3) in subsection (e)(1)(B), by striking ''which is after the date of enactment of this Act and''; and

(4) in subsection (d) by striking all after ''in the interest of'' and inserting ''national security.''.

POINT OF ORDER

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

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 521 on page 41, line 15 through line 25, of H.R. 2555 on the grounds that this provision changes existing law in violation of clause 2(b) of the House rule 21 and therefore is legislation included in a general appropriations bill.

The CHAIRMAN. Do further Members desire to be heard on the point of order?

The gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentlewoman from Connecticut may proceed.

Ms. DELAURO. Mr. Chairman, I want to express my serious opposition to this point of order and point out the hypocrisy of what my friends on the other side of the aisle are doing here.

I offered this amendment during the Committee on Appropriations consideration of this bill. It was accepted by the chairman and it was passed on a voice vote. Yet, today they use a technical excuse to justify stripping it from the bill. Just another gimmick.

This amendment would do nothing more than restore the law to the form it held when 318 Members of this House voted for a motion to recommit that I offered to prohibit the Department of Homeland Security from contracting with corporate expatriates on July 26, 2002. But before that bill became law, loopholes were added that exempted most of the expatriate companies from the provision.

Expatriate companies are those that go offshore solely for the purposes of not paying taxes in the United States. At the time the majority leadership said publicly that those loopholes would be closed. Last November 19 the former leader of the other body told reporters that he had received a commitment from the Speaker and the majority leader that this would be fixed. Unfortunately, we have yet to do that.

We have an obligation to address this issue. American companies, particularly those contracting with our government, ought to be paying American taxes just like every citizen and corporation in this country. By this action, the Republican majority is demonstrating that they do not hold those same values. Since the majority leadership has failed to act, I offered an amendment in the Committee on Appropriations to close those loopholes added to the law last summer. Let me stress again that this amendment was accepted by the chairman of the subcommittee and passed on a voice vote.

The amendment would simply prohibit Federal agencies from contracting with a domestic subsidiary of any company that has moved overseas. This will prevent corporations from setting up a shell company overseas but then continue to exploit the tax loophole by obtaining government contracts here at home.

One high ranking Republican member of the Committee on Ways and Means said about closing this loophole that ''business does not like that.''

Is that how we decide how to solve our problem? This amendment would further make the contract ban retroactive so it applies to existing corporate expatriates.

Finally, the amendment includes a waiver solely for the purposes of national security, which is what was included in the original ban passed on the floor. That waiver was unnecessarily expanded last year for all intents and purposes, making the entire provision meaningless.

Evidence shows that corporate expatriates cost our government about $4 billion in revenue, funds that we sorely need. Yet they continue to receive $2.7 billion in government contracts after they have abdicated their most basic responsibility as citizens. We should not reward these companies with contracts from the very department that

is charged with safeguarding our homeland security.

We should not use procedural sleight of hands to disguise the fact that some in this body want to condone that very practice. I am not calling for a vote at this time, but I would hope that the House leadership will seriously revisit this issue. It is wrong. It is un-American, and it is a travesty to think about these companies who refuse to pay taxes to this country and yet want to be the beneficiaries of the dollars and the contracts in order to deal with homeland security. Let us live up to the commitment that 318 of us made last year.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

Mr. MICA. Mr. Chairman, the DeLauro amendment adopted by the Committee on Appropriations as part of the Homeland Security Appropriations Bill is in fact a significant change in the procurement policy of the United States, a subject clearly within the jurisdiction of the Committee on Government Reform under House Rule 10.

The DeLauro amendment calls for a broad sweeping contracting ban for so-called inverted domestic corporations and is clearly a change in existing law. As such, this section is in clear violation of clause 2(b) of House Rule 21, providing that no provision changing existing law shall be reported in any general appropriations bill.

The CHAIRMAN. Are there Members wishing to be heard on the point of order?

The Chair is prepared to rule and will so rule.

The Chair finds that section 521 proposes directly to change existing law, to wit: section 835 of the Homeland Security Act of 2002, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and the point of order is sustained. Section 521 is stricken from the bill.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the better part of 2 years now we have been promised a vote on closing the Bermuda loophole, an effort to amend this process on the floor where the Republican leadership has accepted by a margin so lopsided that it rivals any vote that we will take in any given legislative year. I believe 318 members of this House voted to do something about these corporate expatriates who not only leave the United States to avoid paying taxes but then have the unmitigated gall to bid on defense work in homeland security legislation. Ingersoll Rand, TYCO, these companies are avoiding billions of dollars in taxes, joint taxes estimated that we would garner, an additional $5 billion if we would simply close the Bermuda tax loophole.

Now, I know what the talking points of the Republican Party are on this. It is the corporate tax structure that is at fault. Well, if that is the case after 9 years why have not we done something about it? It is unbelievable where we had a chairman of the Committee on Ways and Means who used to say he was going to pull the Tax Code up by its roots. Well, America tonight knows that that tax system is more complicated and more unfair than ever.

We were going to drive a stake through the heart of the Tax Code. We were going to have tax simplicity. You know what we have had? We have had the rewarding of rich friends by our failure to address this issue.

For the Americans that are viewing this evening, I would ask you what would happen if you moved to Bermuda and declared that by renting a post office box you had taken citizenship on that island nation.

□ 1730

The IRS would be after you the next day. There would be no avenue of retreat, no opportunity to do what these corporations are doing. We have got 150,000 troops in Iraq tonight; and we talk about patriotism, while these guys renounce their citizenship and everybody knows that they continue to do substantial business and have their real corporate addresses here in the United States? And yet we cannot get a vote in this House of Representatives on that matter.

Two years ago, David Rogers in the Wall Street Journal was promised by the leadership of this House ''there would have to be a vote on the Bermuda tax loophole.'' We are no closer to doing that this evening than we were 2 years ago; and that argument, again it galls everybody. It is the corporate tax structure that is at fault, not these folks moving offshore to avoid their responsibilities to live in this great Nation. That is patriotic, to pay our taxes and the $82 billion that Iraq is costing and $42 billion for homeland security.

We define patriotism by allowing these guys to move their corporate address to Bermuda for one exclusive purpose, to avoid taxes. What does that say about this great Nation and our principles? Yet the intransigence of the leadership on the majority side month after month after month is to do nothing about it. Put that question on the floor here about whether or not these folks should pay their taxes and I tell my colleagues what we would get, 350 votes for it and everybody knows it.

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

Mr. Chairman, I rise today with my friend, the gentleman from Tennessee (Mr. WAMP), in support of providing domestic sourcing preferences for the Department of Homeland Security. As we take steps to protect our homeland security, an integral part of the process is strengthening our national and economic security. Through applying provisions that support the American industrial defense base to the Department of Homeland Security we can help ensure that American companies are able to provide the crucial goods needed by the agency to promote homeland security.

The American taxpayer provides the dollars which Congress then appropriates. It is only right that those same dollars are reinvested back into our economy. These dollars are reinvested back into our companies and workers and not those of a foreign country who could be an opponent or, at worst, a non-ally.

It is wise to provide for the livelihood of American citizens while funding government agencies. Homeland security starts at home, just as the name implies, in the homes and paychecks of American families. One of the most frequent questions I am asked by constituents is how they can sell their products or goods to the U.S. Government.

Today we have the ability to ensure that U.S. companies will be able to pursue and win contracts with the Federal Government. We have the opportunity to safeguard our economic security and keep America strong while providing necessary funds for America's homeland security.

My top two priorities are economic security and national security. Strengthening our homeland security is something that we are all working hard to do. There is no reason that the Department of Homeland Security should not do everything they can within reason to buy American goods.

A few years back we had an unfortunate episode where the U.S. Army purchased over 1 million black berets for U.S. soldiers. The problem was that a majority of those berets were made in China, and I think we all can agree that is ridiculous.

We need to take steps to ensure that government agencies not only improve our homeland security, but we have also got to take advantage of every opportunity we can to strengthen and promote jobs here at home.

I urge adoption of this crucial provision and would like to thank the gentleman from Kentucky (Mr. ROGERS) and his staff for working with me to provide American companies every opportunity to contract with the Department of Homeland Security and keep America strong.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to strike the last word.

Mr. Chairman, it is obvious that the ranking member of the full committee and the chairman of the full committee, as well as the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO), respectively the chairman and ranking member of the Subcommittee on Homeland Security, are making every effort to work as diligently as they can on addressing the question of homeland security.

Mr. Chairman, I think it is important to address the question of neighborhood security, and I believe that in the

course of the debate on the floor of the House many Members have come to debate questions and offer amendments not to be frivolous, but to ensure that our duty and responsibility to the American people are carried out.

I rise in support of an amendment, recognizing that the offerers have withdrawn it, but I rise to explain to my colleagues the importance of the concept offered by the gentleman from Texas (Mr. BRADY) and the gentleman from New York (Mr. WEINER). I came back from field hearings not in my district but in Long Beach, California, and Los Angeles, California; and I think it is important to note that there is no attempt here to diminish anyone's need for security in any part of the country. In fact, I am a very strong advocate for focusing on urban and rural areas because no one ever knows where a terrorist will attack, but I think this concept of delivering moneys only on the basis of population and not having a formula that responds to the high-targeted areas, let me share with my colleagues from the Houston Chronicle a comment noted that, with Texas as the target, officials are especially concerned about oil or gas facilities and pipelines because al Qaeda terrorists in the past have talked about attacking the energy sector as a way of damaging America's economy, officials said.

Mr. Chairman, even on 9–11 as we were trying to find out what was happening, rumors abounded that Houston was one of the cities because of its oil interests and its oil facilities that might be on the list of the terrorists that were now in the United States and tragically and horribly had struck the World Towers. It is important to recognize reality, and this idea of the formula is to make sense out of a simple process that gives moneys on the basis of population.

I believe, for example, we would take one State that might get $33 a person because of its population that is less than the State of Texas with its high density and its problems with oil refineries and other oil interests, and they would only get $3 or $4 a person. I know as we visited Long Beach and Los Angeles, and I use them only as an example, that the issue that was being made by those first responders was the need for resources in their hands.

Another point that was made was the need for resources to utilize the personnel, Mr. Chairman, not just for equipment, and this is one of the things that I believe we should openly discuss, that the formula that is presently utilized gives money only for equipment to our first responders. They need money for personnel. One can have the highest degree of equipment; but if they do not have personnel in the law enforcement, police departments, if they do not have personnel in the fire department, specifically the hazardous materials unit, that usually four people or five people or six people, it is key, Mr. Chairman, that we look at this not from the position of indictment, that we are accusatory or that we are not in sync with the mission that we are going forward on, but at the same time we should look for it in improvement.

Let me share with my colleagues the words of Secretary Ridge and paraphrase him, that generally speaking, the way that we have been distributing funds of old does not help the present situation. The very fact that each State should get the same amount of money does not help us fight terrorism. Some States should get more money than others because they have been elevated to a higher risk of terrorism.

So the reason why I believe it was worthy to have the debate that provided us the opportunity to discuss a different formula change is because, Mr. Chairman, it is crucial that this body does the right thing in securing the American people, and changing the formula would help us do the right thing. Getting the moneys in the hands of those first responders and others helps us do the right thing; and I would hope as our colleagues see this bill move forward, giving us more money, as the gentleman from Wisconsin (Mr. OBEY) has suggested that we do, in the right and fair way would help do the right thing.

I ask my colleagues to consider these elements as we move forward.

The CHAIRMAN pro tempore (Mr. MCHUGH). The Clerk will read.

The Clerk read as follows:

SEC. 522. (a) None of the funds provided in this or previous appropriation Acts may be obligated for testing (other than simulations), deployment, or implementation of CAPPS2, the Computer Assisted Passenger Pre-screening System that the Transportation Security Administration (''TSA'') plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct incorrect information contained in CAPPS2;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) Not later than December 31, 2003, the National Academy of Sciences shall submit a report to the Committees on Appropriations that assesses the likely impact of the CAPPS2 system on privacy and civil liberties and includes recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of such system on privacy, discrimination, and other civil liberties.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I have a point of order against section 522.

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 522 on page 42, line 1, through page 43, line 24. This section violates clause 2 of rule XXI. It, in fact, changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of the House rules.

Furthermore, Mr. Chairman, I have assured the sponsor of this original provision, the gentleman from Minnesota (Mr. SABO), that the House Committee on Transportation and Infrastructure will be adding a similar provision to our aviation security bill, H.R. 2144, during full committee markup tomorrow, Wednesday, and we will have similar language, and we do have the authority to authorize this language.

Unfortunately, his language is authorizing on an appropriations measure; and therefore I raise that point of order.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. SABO. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized.

Mr. SABO. It is sort of strange. Would the gentleman from Florida yield?

Mr. MICA. Mr. Chairman, I would be glad to yield.

Mr. SABO. In discussion of his point of order, we are trying to figure out how——

The CHAIRMAN pro tempore. The Chair notes to the gentleman from Minnesota that under the rules of the House, debate on a point of order must be directed to the Chair, who hears each Member separately.

Mr. SABO. Okay. Let me see if I figure out how we do this, Mr. Chairman.

The CHAIRMAN pro tempore. I would note, just to help the gentleman with his dilemma, that others may be heard on it on their own time.

Mr. SABO. Mr. Chairman, I think I understand what the gentleman from Florida is saying is that he is raising a point of order against this provision because it is legislation on an appropriation bill. However, he is also telling me that the authorizing committee is meeting tomorrow and it is their intent to adopt provisions that are similar in substance to what is contained in

the language of the appropriations bill, which will then be amended in another bill.

The gentleman from Minnesota would observe that, as he has read what is intended to be offered tomorrow, that in many ways it is similar and if that bill were before us we would not be subject to a point of order. However, the gentleman from Minnesota has also observed that some of the enforcement techniques within the proposed language are significantly weaker.

I would observe that the proposal that the committee will be considering tomorrow leaves the responsibility for reviewing CAPPS2 proposal internally in the Department while the language in question, which is subject to a point of order now, gives that responsibility to the GAO; and I would hope the gentleman from Florida would consider such language because frankly one of my concerns is the Department may not be equipped to make a good judgment.

We, frankly, have watched an agency that has had a problem trying to figure out which of their own employees do or do not have criminal backgrounds, and we think it might be a significant advantage to have the GAO look at their proposed plans before they are implemented rather than waiting until a year after deployment and development of these plans to have a GAO study.

□ 1745

So I would urge the gentleman from Florida, as he ponders whether he should continue to press this point of order, that they might well consider expanding at an earlier stage the review of GAO of the pending plans of the agency.

The CHAIRMAN pro tempore (Mr. MCHUGH). Does any other Member wish to be heard?

Mr. MICA. Mr. Chairman, again, I think that the point of order that I raised clearly does demonstrate, in fact if we look at the language before us, that there is authorization language contained by the gentleman from Minnesota (Mr. SABO), which is excellent language and directive language but it does authorize on an appropriations measure, which is not allowed under the rules of the House.

The gentleman has raised issues about the substance of what is proposed in the full committee markup, and we will address some of those, but we do have a provision and we clearly have under our charter the responsibility for legislating the procedure which is followed. We will have the Under Secretary directed to not implement, other than on a test basis, the CAPPS2 program until the Under Secretary provides to Congress a certification that certain steps are taken. And later on we will have, of course, a GAO review required under our measure.

So we have the authority to the point of order clearly under the charter within the Committee on Transportation and Infrastructure. This is going to be considered under the FAA AIR–21 reauthorization. The security measure which is being considered, H.R. 2144, will be marked up tomorrow and blended into legislation which has already passed the House and, again, clearly under our authority as authorizers.

The CHAIRMAN pro tempore. If no other Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that section 522 proposes explicitly to supersede existing law, most immediately by proposing to restrict funds that were appropriated in other acts. As such, it constitutes legislation in violation of clause 2(b) of rule XXI, and the point of order is sustained. Section 522 is stricken from the bill.

AMENDMENT OFFERED BY MR. HAYES

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

The Clerk read as follows:

Amendment offered by Mr. HAYES:

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

SEC.____. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

Mr. HAYES. Mr. Chairman, I have spoken as to my support for this amendment, and if he so desires I would yield to my friend and cosponsor, the gentleman from Tennessee (Mr. WAMP).

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

Mr. HAYES. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding to me, and I certainly appreciate the privilege of having my name associated with anything that the gentleman from North Carolina (Mr. HAYES) does here.

The Buy American provisions that we have talked about a lot in the past on this floor are very germane to this debate. I appreciate the fact that we can offer this amendment, hopefully without anyone raising a point of order against it, because it is essential that in this appropriations bill, as we prioritize the homeland security needs of the future, that we put all the language we can in the bill to encourage United States business and enterprise to produce and provide the goods and services that we need to secure our homeland.

Let me give an example, one very large example. In this bill we actually fund into the future a program called BioShield, where the administration leads and we scrub and fund and hold the hearings on an effort to provide the stockpiles for vaccines and immunizations in the event that we are attacked. Companies all around the world make these products. But when we are talking about chelating agents that would actually provide relief and support to those people affected that we may stockpile in a dozen locations around the country in very large quantities, I want a United States manufacturer, if at all possible, to make those products, and I want those products stockpiled here in the United States, if at all possible.

That is all that this language says, is that wherever we can we buy American for these products and services. And on this BioShield initiative in this bill, it is $5.6 billion over the next 10 years, including a 2004 appropriation, the coming year appropriation of $890 million. That is a lot of money. It is a lot of procurement. It is very important that wherever we can we look to United States companies.

Mr. Chairman, there are countries around the world that have not been particularly supportive of us in recent years that have the advanced capabilities of providing these products and services and goods from time to time. And we do not want to respond in a punitive way whatsoever. If they have the products, and we need them, and we have good relations, that is great. But what we want to say is there are businesses and workers and interests in this country that support our country with their taxes. We want to support them wherever we possibly can.

That is the intent. That is the reality of this legislation. Many have come before us and attached Buy American amendments to a host of legislative matters, some big, some small, but I have to say, as we begin this new Department of Homeland Security, as we properly resource it, I cannot think of a more important issue that we attach Buy American provisions to than securing our homeland, to make sure that we actually control as much as possible what these products actually are, to make sure that they are what they say they are, and that we know what we are getting if an event happens once again.

So, Mr. Chairman, I applaud the author, he and I are going in the same direction, and we have teamed up on this amendment.

Mr. HAYES. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, I thank the chairman, the gentleman from Kentucky (Mr. ROGERS), and I urge the support of others to keep America strong and to support our industrial defense base.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. HAYES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

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

SEC. ____. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

Mr. MARKEY. Mr. Chairman, I bring a very important subject to the attention of the Members of the House. Each

one of us, justifiably so, and every American, more than 100 million, who get onto planes in our country every year are now required to take their shoes off as they go through a process in an airport to ensure that no danger will befall the other passengers on that plane. Now, that is completely justifiable, and I think all Americans, well, almost all Americans, accept that now as part of the process of getting on any airplane in America since September 11.

We in Boston, at Logan Airport, know the consequences, because two of the planes that were hijacked came from Boston, came from Logan Airport, and came from within five miles of my home. So my amendment today deals with the reality that after everyone's shoes have been inspected, bags have gone through security, and this is what the Transportation Security Administration now requires, after the booties of babies are taken off and inspected, underneath, on the same plane, on the same day, with the same passengers on board, with their shoes now back on after having been screened underneath the cargo, the cargo has not been screened.

My amendment would require that the cargo that goes on the passenger planes that more than 100 million Americans each year fly is screened as well as the passengers themselves, as well as grandma, as well as the babies with their booties, because it is unfair to every American who gets on a plane to be put in danger that the cargo on that plane has not been screened.

Now, what do we mean by screening? We mean the same level of physical inspection of passenger plane cargo as is applied to passenger plane luggage and to the passengers themselves. What do we not mean? We do not mean the Known Shipper Program, which is the current excuse for allowing commercial cargo to be carried on passenger planes without physical screening. And which technology will we use? We will use the same technology that American air carriers use to screen cargo in international airports every single day of the week all day long. Who will do the screening? The same screeners who are now being laid off, 3,000 of them, 6,000 of them who are trained to do this job. We cannot allow this to go on any longer.

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

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

Mr. SHAYS. Mr. Chairman, may I ask how much time the gentleman has left?

The CHAIRMAN pro tempore. The gentleman has 1½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment, which will require the Transportation Security Administration, TSA, to develop a plan to screen or inspect all cargo that is carried on passenger planes.

To me, it blows me away that we would allow any freight to go in the belly of an aircraft that has not been inspected. And at the very least the public has the right to know that basically 20 percent of the cargo in the belly of an aircraft is totally unscreened. Its cargo is unscreened. We could have not one, not two, not three, but we could have a number of planes knocked out of the sky at any one time simply because we are not inspecting the freight cargo that is in the belly of an aircraft.

Mr. Chairman, with that, I will yield back to my colleague and thank him for his amendment. I cannot think of a stronger and more important amendment.

Mr. MARKEY. Mr. Chairman, reclaiming my time, I thank the gentleman and I urge support of the full House on as important an amendment as we are going to be called on to vote on this year in Congress.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition. TSA currently screens cargo based on the Known Shipper Program and identifies potentially troublesome cargo by additional screening. By law, they are required to ensure adequate cargo security measures, but not 100 percent screening of air cargo. In essence, this amendment would stop airlines from loading cargo onto passenger aircraft until TSA can screen or inspect each individual piece.

Now, in the bill, we already provide $50 million for the security of air cargo. This funding will do the following: It will develop an air cargo security program for domestic and foreign air cargo carriers. It will promote the development and implementation of a risk-based freight screening system that will identify pieces of cargo that require closer scrutiny and participation in the Known Shipper Program, including linkages with other databases to verify shipper information that is provided. We provide for development of state-of-the-art detection technologies that will screen cargo and also research and test devices that exist now and procedures to be applied to air cargo.

□ 1800

Right now, Mr. Chairman, it is not humanly possible to inspect every piece of cargo that goes onto the aircraft. TSA does not have the staff or technologies in place to do that. For example, airport screeners screen passengers and baggage using explosive detection and trace machines. These machines are not certified to screen cargo, nor can they handle the large pallets that cargo is typically shipped in. In these cases, the pallets would need to be broken apart and screened by hand. That is very time-consuming and labor intensive.

In addition, in many cases cargo is sorted and prepared onto pallets at airport warehouses nowhere near the airports; and to implement this amendment, the cargo would need to be screened at these off-site locations. According to an analysis prepared by Battelle just prior to 9–11, 100 percent screening of all cargo on passenger carriers would require at least $500 million in the first year alone. That includes procurement of equipment, installation, training, and staffing. It would require 7,800 employees, which would include 6,600 screeners and 1,100 supervisors. If we adopt this amendment, TSA would need to hire a substantial number of new staff to inspect cargo and install new technologies at all of these warehouses.

Even if there was sufficient funding in the bill, which there is not, it is not logistically possible to have all of these screeners and technologies in place by the beginning of the fiscal year. TSA is currently in compliance with the Transportation Security Act, which requires TSA to provide adequate security measures for air cargo. The law does not require every piece to be screened or inspected, as this amendment would. We do not require every piece of cargo that goes onto a ship be screened when it is loaded onto a ship or before it is off-loaded. Instead, DHS targets what cargo pieces need to be more closely inspected based on intelligence and innovations such as the advanced manifests that we now require.

By adopting this amendment, TSA would have to refuse to allow airlines to transport any cargo until all of it can be screened, and I would point out that the money-strapped airlines would be sorely tried trying to do this, and it would greatly impact their bottom line.

Currently, the only cargo airlines can ship on passenger planes is from a known shipper. They cannot, for example, ship any mail above 16 ounces because the shippers may not be known.

So, Mr. Chairman, I understand the obvious meaning of the amendment. I appreciate the concern the gentleman has. We have tried to address that in the bill with $50 million to begin to address the problem. To adopt this kind of a drop-dead provision would mean chaos in the airlines. It would not substantially increase the security that is now ongoing in loading cargo onto planes. The Known Shipper Program is reliable. It is working, and while we spend the $50 million this coming year to begin to try to get the machines and technology in place to be able to screen, as we do, container freight in most cases, this money should be sufficient for that purpose. So I would urge defeat of the amendment.

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

Mr. Chairman, I rise to speak on the Markey amendment, and that issue is the glaring hole that remains in our airline security. It is a shocking realization for most Americans to learn that almost fully half of the cargo that is in the hold of an air passenger plane when they get on a plane to go on vacation or work travel, that almost half of that cargo is commercial cargo that is

never screened by anyone for explosives.

That is a massive failure in our airline security. Some months ago I introduced the Airline Cargo Security Act modeled after legislation by Senators FEINSTEIN and HUTCHISON which would require the TSA to adopt comprehensive measures to inspect airline cargo. It gives the TSA flexibility to use a variety of different methods to accomplish this, from new technologies to blast-proof containers, to a database of known shippers; but it requires that the job get done. The airline industry is hanging by a slender thread. Terrorists do not have to hijack our airplanes any more to wreak chaos on this industry and wreak devastation on this country and our economy. They just have to blow a plane out of the sky. Given the fact that so much of the cargo is not screened for anything, this is tragically too easy to accomplish. This has to change. This has to change.

It is hard to overstate the significance and the disparity of this security problem. All of us have had the experience of going through the airport now and having to take our belt and shoes off and remove the toenail clippers from our carry-on luggage, but imagine the fact that in the hold of that plane are huge containers which have not been inspected by anyone. And when we consider the security lapses in shipping that cargo, the opportunities when that freight is forwarded to include explosive or other dangerous materials in that cargo, it is extraordinary.

Indeed, I think most Americans would find it baffling that we go through these personally intrusive measures when we go to the airport, but our cargo goes through nothing. We cannot fight the last battle; we cannot simply predict that terrorists are going to use the same technique they used before. We have to be forward-thinking and recognize that there are wholesale gaps in what we are doing to protect the American people. I applaud my colleague for raising this issue in this legislation. I want to urge my colleagues both here today and in the future to address the issue of cargo security. Let us not wait for a tragedy to awaken us to this problem.

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

Mr. Chairman, I simply want to note in the Obey amendment, which the House was not allowed to vote on today, we would have added $150 million for airline security, including an additional $50 million for this very project, doubling what the committee has in its bill.

The problem that we have is that the known-shipper system is simply a trust-the-luck system based on what we know about shippers and the people who work for them. Our concern is about what we do not know. We have just seen that TSA had a very difficult time in doing the background screening for criminal activity before they hired a number of people, and those people had to be let go. We really do not have any way of knowing what is happening within the businesses of the people who are shipping. It just seems to me that this amendment is eminently prudent and should be adopted.

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

Mr. Chairman, first let me say, and I do not say this out of formality but because I believe it deeply, that the chairman of the subcommittee has crafted a good bill, and this is the first bill on homeland security, and I applaud the gentleman for his tremendous efforts and work; but he has given us an opportunity to discuss something which has troubled me deeply.

I chair the Subcommittee on National Security of the Committee on Government Reform. We learned clearly before September 11 of the terrorist threat. We knew it was a new threat, and we knew that we needed to develop a strategy to confront it and to reorganize our government; and we are in that process. But what blew me away when we debated the Aviation Security Act was the fact that I had always thought that we screened all of the luggage put in the belly of the airplane by passengers.

We put an amendment on the bill in 2001 that said by the end of 2003 we would have to search all baggage. We finally got it included in the bill, even though the Inslee amendment was not made in order. It was put in as a manager's amendment, but people said we could not do it by the end of 2003. Then when the bill came back from the Senate and we had our conference bill, it said by the end of 2002.

I thought, ''If we could not do it then by 2003, how can we do it by the end of 2002?'' And what I was told was that we really do not want people to know that we cannot secure the aircraft from explosives, so that is what they did. We had to amend the bill eventually and say we would have adequate security measures.

Mr. Chairman, the definition of adequate security measures includes machinery we do not have yet, dogs that we are using, swabs on the outside of luggage, and then hand searches. The bottom line is even the passenger baggage on aircraft is not fully checked for explosives. And then we learn to compound that, we have the cargo holds. Cargo that is put in the belly of a passenger aircraft is not checked, and it is just wrong.

We cannot say that we have adequate security measures to inspect cargo. We do not. It is a fraud. Maybe the chairman is right that this is an amendment that is going to be a problem, and maybe when we get to conference we will have to find a better way to deal with it, but we have to send a message.

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

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I respect the gentleman from Kentucky (Mr. ROGERS), and I know it is a difficult job that he has; but there are two programs in America. One is the known-tripper program. We are all part of the known-tripper program. Every American that gets on a plane is part of a known-tripper program. They want to know who you are. You have to show your ID. They are going to check you if you are suspicious. They are going to go through your bags. They do now care who you are, baby or grandmother.

The known-shipper program for cargo, on the other hand, going onto the very same place, only requires a piece of paper. They do not know what warehouse it really came from.

That al Qaeda operative that just got arrested last week ran a cargo firm. When he was interviewed, he said he was working with other people. He said the name of the firm was Kashmir, Kashmir Service. It was his own trucking company, a cargo firm. That is something we cannot run the risk of happening in this country. They have to go through the same screening for biological, chemical, and nuclear material that would go on a plane as every one of us on a known-tripper program has to go through. The gentleman from Connecticut (Mr. SHAYS) is right, we cannot afford not to pay the price. It might cost us some money, but America cannot afford not to pay it. It cannot be allowed to occur.

Mr. SHAYS. Mr. Chairman, the bottom line is a plane could be blown out of the sky from explosives in the belly of an aircraft because someone shipping cargo is simply able to get it on the airplane. We have learned from the terrorists there is no line they will not cross. I hope this amendment is passed; and then if we have to change the amendment, we can do that in conference.

Mr. Chairman, I rise in strong support of this amendment, which will require the Transportation Security Administration (TSA) to develop a plan to screen or inspect all cargo that is carried on passenger planes.

Since September 11, our nation's homeland defenses have undergone tremendous improvements. I truly believe we are safer today than we were prior to these heinous attacks, but we don't feel safer because we had a false sense of security that was cruelly lifted.

In 2001, when Congress was considering the Aviation Security Act, I was shocked to learn that less than 10 percent of checked baggage on domestic flights was being screened. I worked with Congressman Jay Inslee to add a provision to the bill requiring all checked baggage to be screened for explosives.

During a recent hearing of the Select Committee on Homeland Security, I was equally surprised to learn that air, which accounts for approximately 22 percent of all baggage on passenger flights, is not being screened for explosives. If we are not screening all the baggage and cargo on passenger planes, then we are once again giving the American people a false sense of security.

The bottom line is as long as cargo and baggage screening is incomplete, there are

gaps in aviation security that are unacceptable. TSA must come to grips with this challenge, which continues to leave too many air travelers at risk.

Mr. Chairman, I urge my colleagues to vote in favor of this common-sense amendment.

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

Mr. Chairman, I think all of us have made it very clear that our efforts are to support the work of this appropriations subcommittee. But, Mr. Chairman, I rise in tribute, in remembrance of the many lives that have been lost through terrorist acts in the United States. It precedes the horrific tragedy of 9–11. I am particularly cognizant of the 1988 Pan Am 103 plane crash where an interline bag was the cause of that horrific tragedy where so many families lost their loved ones.

We know that we have come a long way from that tragedy. Our bags are in fact screened and unaccompanied bags are screened. But when we began this journey and we began to tell our airports and our airlines that they were going to have to haul in this enormous equipment and make sure that every bag was screened, what an uproar. Nobody thought it could happen. Nobody thought we would be successful. It would take too long. There would be backlogs.

□ 1815

Yes, it is an inconvenience; but we have done it, and every airport to a certain extent is working toward that goal. At our large airports we have these huge machines that our bags must go through. Why, then, Mr. Chairman, can we do any less or should we do any less for cargo, because as we have determined in our field visits, the same kind of activity is occurring in our ports, where in many instances we are checking paperwork and we are looking at paperwork given to us by foreign entities. Oh, yes, we do have criteria. Our intelligence gathering has improved. We are looking at different marks that staff and personnel can check off. When one mark does not come up, they say, this is suspicious and they put them in a different category. We are doing a better job. But I think this amendment of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Connecticut (Mr. SHAYS) is a sensible, reasonable approach that may be inconvenient, may seem like a high mountain to climb; but in the long run we will be able to not only pay tribute and mourn the loss of those who over the years have died in terrorist attacks and in particular the Pan Am 103, which in my community we lost an endeared family member, we will be able to assure that we have done as much as we could do in that area.

That is why I think this is an important amendment, recognizing the hard work of this committee and the efforts that have already been made, but I clearly believe that our work is not complete. We mourn the loss of the Pan Am 103 and other tragic acts. Pan Am 103 was a suitcase that was unaccompanied, before our knowledge reached the sophistication of terrorists. Now we cannot speculate what cargo might contribute to some unfortunate and tragic act. Let us be proactive and get in front of this question and help the committee in the way that we could and can help it, and, that is, to look favorably on the amendment offered by the gentleman from Massachusetts.

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

Mr. Chairman, I rise to support this amendment. But what I want to say more than anything else is that I think that those of us who serve in this Chamber deserve to tell the American people the truth. I believe that most moms and dads who get on an airplane and this summer when they take their families on vacations and they get on an airplane, they believe that those of us who serve in this Chamber have taken the necessary steps to see that they are not blown out of the sky as a result of a bomb being placed in cargo that is on that plane. I think most Americans think we are already doing this.

We want the airlines to succeed. We have given billions of dollars in aid to the airline industry. Can you imagine what will happen to passenger travel in this country if an airplane is blown out of our sky this summer with vacationers, travelers, businesspeople on it? This is something that we have got to face up to.

The gentleman from Washington (Mr. INSLEE) and I and others stood on this floor months ago when we argued night after night after night that there needed to be complete screening and inspection of everything that went onto an airplane. The American people heard that, and I think most of them agreed with us. But for us to say we cannot do it because we do not have the money is a hollow argument. We find money around here for everything we think is important. Everything that we truly believe is important, that is of value to us, we fund. It ought to be a value to make sure that those who travel on our aircraft can do so with the confidence that we have done everything humanly possible to protect them.

It is beyond me why we would not embrace this amendment. It is just beyond me. I hope we do not have to stand here in this Chamber at some time in the future and talk in somber tones about those who have lost their lives to a terrorist act when we could have taken an action that prevented that terrible tragedy from happening.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment prohibits any funds from the Homeland Security appropriation from being used to approve a security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

Air cargo is a potential area of vulnerability in our aviation security system.

In the Aviation and Transportation Security Act, Congress moved to ensure that all checked baggage was screened for explosives. But carry-on baggage and air cargo is still not screened for bombs, at least not the plastic explosives that terrorists tend to use. However, carry-on baggage is screened by x-ray, and air cargo is screened by the ''known shipper program.'' In both areas, we could do better and I appreciate the efforts of the gentleman from Massachusetts to do so.

I am concerned that this amendment could be misinterpreted as requiring that all air cargo be put through an explosive detection system or be opened and physically inspected. If the plain language of the amendment required that, I would oppose it. That is clearly impractical, if not impossible. Currently, there are no machines large enough and quick enough to screen all air cargo in this way. And physical inspection is so cumbersome that it would grind our economy to a halt. This would be a particular problem in my State of Alaska, where the people are especially dependent on air cargo for obtaining necessary goods and service.

However, the amendment simply prohibits any funds from being spent to approve an airline security plan unless that plan provides that air cargo will be screened. Such screening is currently being done through the known shipper program and I would expect that to continue. Over time, new technology may enable us to improve air cargo screening and I would support the use of such technology as long as it would not impede the flow of air commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. 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 Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. 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. MANZULLO:

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

SEC.____. None of the funds made available in this Act may be used by the Secretary of Homeland Security to enter into a contract for the procurement of manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to such procurement by substituting ''at least 65 percent'' for ''substantially all''.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against the gentleman's amendment because it proposes to impose new duties and constitutes legislation on an appropriations bill and therefore violates clause 2(c) of House rule XXI.

The CHAIRMAN. The gentleman from Virginia raises a point of order. Is

there further discussion on the point of order?

Mr. MANZULLO. My understanding is that the gentleman was going to reserve a point of order so I could get my point across.

Mr. TOM DAVIS of Virginia. I reserve the point of order.

The CHAIRMAN. The gentleman from Virginia reserves the point of order.

Mr. OBEY. Mr. Chairman, I would also reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin also reserves a point of order.

Mr. MANZULLO. Mr. Chairman, the American economy is in the midst of a manufacturing crisis. Over the past 3 years, we have lost 2.6 million manufacturing jobs. In the past 12 months, 53,000 manufacturing jobs each month have been lost in this country. These are good-paying jobs. Small business manufacturers pay on average 20 percent more to their employees than other small businesses and provide a vast majority of the basic products such as tools, dies and molds that are essential to our national security and essential to our defense industrial base.

In 1981, Rockford, Illinois, my district's largest city, had an unemployment rate of 24.9 percent, the highest in the Nation. Today it is around 11 percent. I do not want to see a recurrence of what happened in 1981. But we are losing our industrial base in this country. Unlike the past when factories were closed during an economic downturn but reopened when times improved, today a too-frequent outcome is the permanent closure of the factory. The jobs leave forever. Young people entering the workforce do not have a manufacturing career choice left open to them as they did in the past.

Since 1933, the Buy American Act has safeguarded the interests of American manufacturers by requiring the Federal Government to purchase domestically produced products. But that only means 50.001 percent has to be American goods. The Department of Labor's May employment report showed again the 34th consecutive month of loss of manufacturing jobs.

Let me tell my colleagues what happened in Rockford, Illinois. After 112 years in business, Ingersoll Milling ceased operations. The Rockford machine tool maker was one of only two companies to make machines to shape radar absorbent composites into the skin of stealthy warplanes. In bankruptcy, a Chinese state-owned enterprise is trying to buy Ingersoll. The only plant that is left in the United States is in Kentucky and that is Cincinnati Machine. They have just downsized from 750 people to 350 people. We are losing the ability to have manufacturing facilities to defend the United States. The purpose of this amendment is to build that manufacturing core to say, wake up, Washington, wake up, America, the manufacturing jobs are gone, the security of our Nation is being imperiled.

This amendment simply increases the Buy American content from 50 percent to 65 percent. It is so simple. The money that is being used to protect America, we are only asking 65 cents of that be used to buy American products. This is a very simple amendment. We would ask that this body take its part in restoring American manufacturing in this country. I would urge my colleagues, urge them, beg them, beseech them, to adopt this amendment to help the restoration of our manufacturing base.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Actually, this amendment would radically change the current application of the Buy American Act from 50 percent to include products made in America even if most of the cost of the components, up to 65 percent, are produced domestically. This substantially increases the 50 percent test as provided in the current regulations.

Some companies have responded to the current Buy American Act restrictions by establishing costly, labor-intensive product-tracking systems that are not needed in the commercial business to ensure that the products are being sold to government. In a few cases, companies have simply stopped selling certain products in the Federal marketplace. This denies our government access to some of the latest, most cost-effective products in our fight against terrorism and preserving homeland security. This radical Buy American Act if it were allowed to be part of this legislation would impose financial and legal burdens on taxpayers and the commercial companies that sell to the Department.

I would, therefore, insist on my point of order.

POINT OF ORDER

The CHAIRMAN. Do the gentleman from Virginia and the gentleman from Wisconsin insist upon their points of order?

Mr. OBEY. Mr. Chairman, I would simply agree with the point of order lodged by the gentleman. I do not happen to have much of a problem with the substance; but it seems to me that if the rules are to be applied around here, they ought to be applied to everybody on both sides of the aisle.

The CHAIRMAN. Are there any other Members desiring recognition?

Mr. BALLENGER. Mr. Chairman, I would like to speak to the point of order.

The CHAIRMAN. The gentleman may proceed for five minutes. The point of order is reserved.

Mr. BALLENGER. Mr. Chairman, the Raleigh News & Observer headline this past Sunday said, ''North Carolina's Trade Deficit Soars: Manufacturing Slide Continues Despite Decline in Dollar.'' One in four North Carolinians employed in manufacturing have lost their jobs during the past 5 years. Plants across the State are closing their doors entirely, and other firms are moving jobs offshore, truthfully mostly to China.

North Carolina's 10th Congressional District has a disproportionately large percentage of local economies built on manufacturing. So the communities I represent are struggling even more due to this manufacturing recession. The National Association of Manufacturers reports that job losses will continue as long as U.S. imports from China are six times as large as exports to China. These statistics highlight why I have become a strong proponent of the newly formed Defense Industrial Base Caucus.

The U.S. cannot be reliant on foreign manufacturers of military or homeland security systems and equipment. We have got to invest in critical industries where we do not have the capacity for self-sufficiency and purchase goods from those United States sectors that are the best in the world. A recent admission from the Pentagon underscores the need for the U.S. to regain its manufacturing self-sufficiency. The Swiss Government's refusal to provide crucial bomb components during Operation Iraqi Freedom could have hampered our efforts in the fight effectively if the war had lasted a little longer. We cannot afford to be hamstrung by countries that disagree with our intentions and our goals as we defend the homeland.

The U.S. makes the best products in the world. We have got to provide jobs for the American people. There is no better place to demonstrate that commitment than providing our first responders with American-made products, procured with taxpayers' dollars.

The CHAIRMAN. Are there any other Members seeking recognition?

Mr. MCCOTTER. Mr. Chairman, I rise to address the point of order.

The CHAIRMAN. The gentleman's point of order is reserved. The gentleman is recognized for five minutes.

Mr. MCCOTTER. Mr. Chairman, I rise to address the point of order and in support of the amendment. My concern is that the American Government be as concerned about homeland security as we should be about household security. When tax dollars are taken from the American people, from the entrepreneurs and the people who create wealth in this country, those tax dollars should not be used by their government to put them out of work or to decimate our manufacturing base. I believe that this is a reasonable amendment, and I wholeheartedly support it.

The CHAIRMAN. Will the gentleman from Virginia advise if he insists upon his point of order and state the grounds for his point of order?

Mr. TOM DAVIS of Virginia. I do, Mr. Chairman.

Again, I make the point of order because it proposes to impose new duties and constitutes legislation on an appropriations bill and violates clause 2(c) of House rule XXI.

□ 1830

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment explicitly supersedes existing law and the amendment therefore constitutes legislation in violation of clause 2 of rule XXI. Therefore, the point of order is sustained and the amendment is not in order.

Mr. FILNER. Mr. Chairman, I would challenge the ruling of the Chair.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to table.

The CHAIRMAN. The motion to table is not available in the Committee of the Whole.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, is this motion debatable?

The CHAIRMAN. The question is debatable under the five-minute rule.

Mr. OBEY. Then could I move to strike the last word?

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would simply urge the gentleman to withdraw his motion. I know of no one who disagrees with the ruling of the Chair, and I do not see why we should impose on the House when we already have seen another amendment dealt with on the subject in a proper manner. This amendment clearly was not. Everyone knew it was not in order, and there is no doubt in my mind the Chair's ruling is correct.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 28, not voting 21, as follows:

[Roll No. 306]

AYES—385

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—28

Alexander
Baca
Baird
Ballance
Boswell
Costello
Etheridge
Filner
Green (TX)
Hinchey
Hinojosa
Jackson-Lee (TX)
Kucinich
McDermott
Menendez
Nadler
Oberstar
Owens
Pastor
Sanders
Scott (VA)
Tanner
Taylor (MS)
Towns
Turner (TX)
Velazquez
Waters
Woolsey

NOT VOTING—21

Bonilla
Brown-Waite, Ginny
Burr
Conyers
Cox
Cubin
Dingell
Dooley (CA)
Doyle
English
Gephardt
Hunter
Hyde
Keller
Kleczka
Moran (KS)
Paul
Reyes
Skelton
Smith (WA)
Wynn

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1858

Messrs. SANDERS, BACA, TOWNS, and GREEN of Texas changed their vote from ''aye'' to ''no.''

Ms. HART, Ms. HARMAN, Ms. MILLENDER-MCDONALD, and Messrs. INSLEE, ACKERMAN and HAYES changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

□ 1900

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

SEC. . The Secretary of Homeland Security shall develop measures to simplify and expedite the grant allocation process of the Department of Homeland Security so that a percentage of funds is provided directly to fire departments in urban and rural areas, police departments, law enforcement agencies, hazardous materials teams, emergency medical staff, and other first responders, hospital districts, school districts, city and county governments, non-profit organizations, port and airport security, and citizen corps groups in the 10 cities most vulnerable to terrorist attacks, without the funds being first allocated to State government agencies.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as we have been proceeding with this debate, I think we have been on common ground that the security of America's homeland has to be our first priority. Many of us have agreed with the leadership of the gentleman from Wisconsin (Mr. OBEY), that a billion dollars needed to be added to the Homeland Security appropriations to be able to give and free the hands of the appropriators on the many, many needs that are facing our Nation. But there is another issue, Mr. Chairman, that I think is crucial for us to be able to address directly: The needs of our neighborhoods, and let me share them with you.

Mr. Chairman, my amendment specifically and particularly isolates the crux of the problems that I have heard from many, many local communities. In fact, Mr. Chairman, in a hearing with Secretary Brown, an Assistant Secretary under the Homeland Security Department, in his energetic testimony he acknowledged the importance of involving the local community in their own security.

I do not know if many of my colleagues are aware that in the Homeland Security authorizing legislation there are the concepts called citizen corps. These are organizations that are resident in our respective communities, engaging neighborhoods, towns, cities and rural areas in their own security. But yet there is no funding for those particular entities. This amendment simplifies or asks that the process of getting funds to our local entities be expedited so that a percentage of funds be provided directly to fire departments in urban and rural areas, police departments, law enforcement agencies, hazardous material teams, emergency medical staff, and other first responders, hospital districts, school districts, city and county governments, nonprofit organizations, port and airport security and citizen corps groups in the 10 cities most vulnerable to terrorist acts.

Let me share with you, Mr. Chairman, testimony from Noel Cunningham in our field hearing just this past weekend, the Chief of the Port Police of the Port of Los Angeles. His words can apply to ports all over the Nation, but also to communities all over the Nation.

Since 9/11 we have spent approximately $6 million of our own funds to enhance port security. We have added staffing and equipment resources for our port police. What they actually need, Mr. Chairman, is they need resources to help us, if you will, for their personnel. That is one of the things that we heard, that buying equipment, which is some of the limiting requirements of grants, is not their only need. They need it for personnel and we have not been able to provide monies for personnel.

As a central component to the Nation's economic engine, we need to receive a reasonable and appropriate share of the Federal port security funding. That is another comment from Chief Cunningham. So my amendment would simply provide an expedited way to get monies into homeland security.

I had another amendment, Mr. Chairman, that I had discussed in the rules, and that is to make sure that no monies are spent as an abuse of power at the Homeland Security Department. That is, of course, whether you think it is humorous that 55 Democrats in Texas ran away to avoid a quorum, they used their constitutional rights. I am sorry that that amendment could not be brought up today, and that is an amendment that says we limit the use of the Homeland Security funds for any surveillance or tracking of individuals not related to homeland security. I am going to continue to work on that issue because it is a crucial issue.

But on this matter I would like to pose a question to the chairman of the committee, the gentleman from Kentucky (Mr. ROGERS), as it relates to the question of working with local communities to get resources directly in their hands, first responders, port and airport security, the citizen corps group, though we know that they are not necessarily funded but working with civic clubs on getting resources, when I say civic clubs, civic communities, county and city governments to get funds directly in their hands so that neighborhoods and communities can be safe.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentlewoman for yielding.

We have provisions in this bill that requires that the State to whom we give the money must send the money on to the localities within 30 days, and then 80 percent of the monies that we give to those States must be passed on to local units of government within 60 days. Those are provisions in our bill that we added in an attempt to force the money quickly to the community.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I appreciate the gentleman's response.

What I would like to be able to say to this body is that even as we give those instructions to the State, what I am finding out by our local responders, and I use that term broadly, but our community, local community interests who have the responsibility for securing the neighborhoods, the neighborhoods that are around ports, the neighborhoods that are around refineries, the neighborhoods that are in dangerous high terrorist vulnerable areas is that the processes are so difficult.

I hope that this body can work through the process that we will be able to provide a less complicated process and expedite the application process so that our local communities, civic clubs and all will be able to have the resources they need.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security appropriations bill and I urge my colleagues to support my amendment.

The purpose of this amendment is to expedite and simplify the grant application process so that needed homeland security funds go directly to first responders, local districts, and local government agencies, without first going to the States.

The efforts to secure our homeland will occur at the local level. City and county fire departments, police departments, hazardous materials teams, and other first responders will need to be well-equipped to protect American citizens from terrorist attacks. In our efforts to fund our local first responders Congress has authorized and appropriated hundreds of millions of dollars. However, few of those dollars have made it to the hands of local first responders.

I participated in two hearings last week with representatives of government agencies who confirmed that funds are not getting to America's local first responders. First, at a hearing of the full Select Committee on Homeland Security, Undersecretary Mike Brown of the Federal Emergency Management Agency and the Department of Homeland Security said that delays getting funds to local first responders and civic groups persist. During on-site reviews last weekend, Chief Cunningham of the Los Angeles Port Authority confirmed that few, if any, federal homeland security dollars are reaching first responders.

One reason for the delay is that often funds appropriated to city and county agencies for homeland security initiatives, through a lengthy application process, must first be disbursed to the States. State governments then have their own grant application process for funds disbursed by the Department of Homeland Security. This unnecessary application process preventing local communities from finalizing the preparations for dealing with terrorist attacks and is endangering our citizens.

I propose this amendment to the Department of Homeland Security appropriations bill to disburse a percentage of the funds directly to local homeland security organizations in those cities, including Houston, that were deemed more vulnerable to a terrorist attack by Secretary Tom Ridge. This amendment will allow local organizations engaged in homeland security to get funds now.

Mr. Chairman, this amendment will enable many communities to prepare for terrorist attack without further unnecessary delay. This amendment protects America's citizens and I urge my colleagues to support this amendment.

AMENDMENT TO HOMELAND SECURITY APPROPRIATIONS BILL, 2004 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

SEC. ____. None of the funds made available in this Act may be used for political purposes or any other purpose not related to protecting homeland security, including for—

(1) use of the surveillance powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to—

(A) tap personal or business telephones; or

(B) otherwise monitor or record conversations or activity in any home, office, or other location; or

(2) use of the investigative powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to track automobiles, airplanes, or other modes of transportation.

Mr. Chairman, I propose this amendment to H.R. 2555, The Department of Homeland Security appropriations bill and I urge my colleagues to support my amendment.

This amendment prohibits the use of funds made available to the Department of Homeland Security through this act from being used for political purposes, or other purposes not related to protecting homeland security.

In the course of the recent redistricting controversy in Texas, several allegations of misuse of resources of the Department of Homeland Security surfaced. Specifically, there were reports that the Air and Marine Interdiction Coordination Center, which is staffed by employees of the Department of Homeland Security, received a telephone call asking the Coordination Center to locate a particular aircraft that belonged to former Texas House Speaker Pete Laney. There were also allegations that surveillance was conducted on private and business phones, and that the Department of Homeland Security was involved with the Texas Department of Public Safety in the destruction of documents related to the redistricting controversy.

The use of Department of Homeland Security resources for political purposes endangers the lives of American citizens. While hundreds of millions of dollars are authorized and appropriated to protect our homeland, every one of those dollars is needed if America is to be protected from terrorist attacks. The police departments, fire departments, emergency medical staffs, hazardous materials teams, and other first responders across the country are in dire need of equipment and operational funds. Every available dollar appropriated for Homeland Security should be used for homeland security initiatives.

My amendment to the Department of Homeland Security Appropriations bill will insure that funds are not misused for political purposes or other purposes not related to homeland security. My amendment will also ensure that the wasteful, political use of funds that occurred in Texas last month does not occur in other cities.

Mr. Chairman, my amendment is a non-partisan proposal that will protect the constituents of every member of this committee, and every Member of the House of Representatives. I urge my colleagues to support my amendment.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ROGERS of Kentucky. Does the gentlewoman have a statement she would care to make in regard to the amendment?

The CHAIRMAN. Are there any Members wishing to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will withdraw this amendment, but let me just simply say very briefly that our responsibility is to ensure the homeland, and I, in my advocacy, believe that is the neighborhood.

I would like to work with the chairman in respect of this point of order on getting rid of the red tape that is also bogging down the State system so that monies can get, as I said, to the hazardous material teams, the emergency medical staff, the first responders, hospital districts, school districts in a fast and efficient way.

Finally, Mr. Chairman, that we can manage to unstrap these local communities from using these funds for equipment only but can use it for personnel. I hope that we can work together to ensure that.

Mr. Chairman, I am going to withdraw this particular amendment as it is subject to a point of order at this time.

The CHAIRMAN. The gentlewoman asks to withdraw her amendment.

Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. BALDWIN:

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

SEC.____. None of the funds made available in this Act shall be used to enter into any contract to develop, lease, or procure Coast Guard vessels in the National Security Cutter class or Offshore Patrol Cutter class unless the main propulsion diesel engines are manufactured in the United States by a domestically operated entity. The Secretary of Homeland Security may waive the restriction in the preceding sentence on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) adequate amounts of such components are not available from a domestically operated entity to meet requirements on a timely basis;

(2) such a contract is necessary to acquire capability for national security purposes; or

(3) there exists a significant cost or quality difference between components manufactured in the United States and components manufactured outside the United States.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

The gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes on her amendment.

Ms. BALDWIN. Mr. Chairman, my amendment is simple. It would prohibit funds from being used to enter into any contract to develop, lease or procure Coast Guard vessels in the National Security Cutter Class or Offshore Patrol Cutter Class of ships unless the main diesel engines are manufactured in the United States.

The Coast Guard's Deepwater program is a large acquisition effort to replace and modernize the aging fleet of the Coast Guard ships. I fully support this program. However, when procuring the most critical components of these ships, the main propulsion engines, I believe the Coast Guard should contract with American firms that make the engines here in the United States.

The Department of Defense in many instances already must contract with firms that produce their components here in America. Because the Coast Guard was previously under the Department of Transportation and is now under the Department of Homeland Security, it has not been subject to these domestic manufactured provisions for components. I believe our government should contract with American firms whenever possible. The Federal Government is one of the largest customers in the world. Using American labor can help get our economy back on track. But in particular, in matters of national security, we should ensure that American workers build what we need to keep America safe.

After September 11, we tragically learned that Americans were not as safe, even on our own soil, as we had once thought. The Coast Guard's mission has increased exponentially since that awful day. In this uncertain time and as we have experienced shifting global alliance, it makes no sense to allow foreign nations to build critical component for large Coast Guard vessels. After all, the Coast Guard is now in the Department of Homeland Security, and is not keeping capable, hard working Americans working the essence of homeland security?

I have a firm in my district that produces these engines. They were ready to start filling orders tomorrow. They competed in the first round of Deepwater engine contracts awarded earlier this year. Even though they can prove that their engines would cost less in total operating costs, the Coast Guard gave the contract to a German firm that will now build engines in their homeland. And so that Members understand that this is not strictly a local issue for me, there are several other firms in the United States that stand ready to compete for these contracts and are perfectly capable of producing quality American-made engines for the Coast Guard.

I have often visited the employees of the plant in my district. They are confused and frustrated. They do not understand why a branch of the Armed Services would choose to give a major contract to a foreign competitor. Although their plant is operational, there are many workers who are currently laid off. The workers that I talk to are not only worried for themselves and their families, they are desperately worried about their buddies who are waiting, waiting for the call that tells them to come back to work so they will be able to support their families once again.

Mr. Chairman, we are bleeding good-paying, family-supporting manufacturing jobs in this country. When manufacturing jobs go away, our history shows us that it is very hard to get

them back. My amendment is a small but needed change to the current Coast Guard procurement process.

The gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, has reserved a point of order against this amendment. The gentleman has a choice. He can insist and press on with his point of order and continue funneling good paying jobs overseas or he can allow this amendment to go forward as we just did a short while ago with the amendment presented by the gentleman from North Carolina (Mr. HAYES). I hope that he has the best interest of America's working families at heart.

The CHAIRMAN. The gentlewoman has yielded back.

Does the gentleman from Kentucky (Mr. ROGERS) insist upon his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve the point of order.

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

Mr. Chairman, I speak in opposition to the amendment which I believe is nothing more than a blatant attempt to use the legislative process to give one American company an unfair competitive advantage over another American company. It is wrong and should be defeated.

The amendment seems innocent enough. No funds should be used to procure Coast Guard vessels in the National Security Cutter Class or Offshore Patrol Cutter Class unless the main propulsion diesel engines are manufactured in the U.S. by a domestically operated entity.

Now, that sounds just like a restatement of the Buy American Act, but it is not. The Buy American Act does not consider the nationality of the contractor when determining if a product is of domestic origin. Manufactured articles are considered domestic if they have been manufactured in the U.S. from components ''substantially all,'' quote, of which have been mined, produced or manufactured in the U.S.

□ 1915

''Substantially all'' means that the cost of foreign components does not exceed 50 percent of the cost of components.

Now, when the Coast Guard wants to purchase diesel engines for its ships, it has two options, Detroit Diesel in Michigan, Utah, Kansas and I believe Ohio, and Fairbanks Morse Engine in Wisconsin. Both are fine companies that manufacture their engines in the U.S. with components, substantially all of which come from the U.S. as well. They both comply with the Buy American Act, creating a healthy competition for the Coast Guard's contracts, which I think we would all agree is a good thing; but it seems that some people do not want competition.

Detroit Diesel is a subsidiary of that German company Daimler Chrysler, which is based in Germany, while Fairbanks Morse Engine is based in the U.S. and notably I believe only in Wisconsin.

The current procurement program for the Coast Guard Deepwater program, for which these engines will be built, is already under way. If this amendment were to be signed into law, Detroit Diesel will no longer be eligible for Coast Guard contracts because it is not a domestically operated entity.

Fairbanks Morse Engine will corner the market, not because it builds better diesel engines than Detroit Diesel, but because it found a way to shut out the competition; and it will have done so by changing the rules in the middle of the game.

There are 5,000 Americans working in those four States for Detroit Diesel. They build diesel engines that the current law says are American products. These Americans should not be penalized because their parent company is based in another country. Congress should not even be involved in this issue.

This amendment is frankly outrageous. It is not our job to give one American company a competitive advantage over another, and I obviously implore my colleagues to not be fooled by what seems to be an innocuous amendment, but there are 5,000 Americans who work for Detroit Diesel who are waiting and depending on us and the Members of this body.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

I rise in support of the gentleman's point of order. This amendment would apply a radical domestic source restriction to the acquisition of main propulsion diesel engines for use in Coast Guard vessels, and my friend from Michigan just said, in the middle of the game. It could delay this procurement.

This could have a devastating effect on the Coast Guard's ability to buy the best propulsion engines at reasonable cost to support its critical antiterror missions because it takes competition out of the picture. Restrictive provisions such as these run counter to efforts to create an open, flexible, responsive, and impartial competitive acquisition system that will enable all government agencies, including the Coast Guard, to acquire from the world market the best products available at fair and reasonable prices. Indeed, we owe our taxpayers nothing less than to get the best value for the taxpayer dollar as we buy these, and this amendment abrogates that Buy America Act provisions apply here.

It has been reiterated here by the gentleman from North Carolina (Mr. HAYES) that this amendment would impose substantially new duties on the Department, and because of that I believe it also violates House rule XXI; and I want to applaud the gentleman for raising the point of order and support it.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI which states in pertinent part, an amendment to a general appropriations bill shall not be in order if changing existing law. The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order against the Baldwin amendment? If not, the Chair is prepared to rule.

The Chair finds that this amendment does include language conferring authority; and, therefore, the amendment constitutes legislation in violation of clause 2 of rule XXI, and the point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

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

SEC. ____. (a) The Secretary of Homeland Security shall conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport to determine whether the project as designed will protect the safety of air passengers and the general public.

(b) Upon completion of the review and not later than the end of fiscal year 2004, the Secretary shall transmit to Congress and the Administrator of the Federal Aviation Administration a report containing the results of the review.

Ms. WATERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, if the gentleman from Wisconsin's (Mr. OBEY) amendment had been accepted, there would be no need for my amendment. His amendment did what I think needed to be done in order to make our Homeland Security Department real.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have shored up what we say we want to do by appropriating $1 billion to improve aviation security, maritime security, infrastructure security, and border security and port security.

Now, it seems to me if this administration was serious about homeland security, we would not hear these weak arguments that we are hearing on the floor tonight. It is absolutely amazing that the people on the other side of the aisle, my colleagues on the other side of the aisle can get up and defend against needing more money to make

our homeland secure. It is really not to be understood how they can defend contracts going to foreign companies when we have Members on this floor begging for the opportunity to have these contracts in their districts to do something about this unemployment that was created by this administration.

Mr. Chairman, the day is over for flashlights and duct tape and plastic material. This is about some serious business. Some of us really do take this seriously. We want to fight terrorism. We want to spend the money on it. We want to have real homeland security, and I am absolutely amazed that my friends on the other side of the aisle do not understand that.

I come because I have got a problem in Los Angeles. The Los Angeles International Airport, which is located in my congressional district, is the third largest airport in the United States with a capacity to serve 78 million air passengers per year. On July 2, 2002, Los Angeles Mayor Jim Hahn proposed a plan to expand LAX by constructing a remote passenger check-in facility. The mayor estimated that this project would cost 9 to $10 billion. The environmental impact report on this project is due to be released in the near future.

Supporters of this proposed project to construct a remote passenger check-in facility claim that the facility is necessary to improve the safety and security of LAX and prevent terrorist attacks at LAX. However, it is even more likely that the concentration of passengers in a remote passenger check-in facility could actually reduce the safety and security of LAX.

The Rand Corporation conducted a security study of the proposed remote passenger check-in facility, which was released on May 14, 2003. The study concluded that the proposed project would not improve the security of LAX. The study also concluded that concentrating passengers in the proposed remote passenger check-in facility would make the check-in facility the likely target of a terrorist attack. The study even suggested that concentrating passengers in the remote passenger check-in facility could exacerbate the effects of an attack on airport operations.

The Rand study did conclude that limiting the capacity of the airport could reduce the overall vulnerability of LAX to terrorist attacks. However, this could be accomplished by maintaining LAX at its existing capacity, with no additional airport construction projects.

My amendment would require the Secretary of Homeland Security to review the proposed project to construct a remote passenger check-in facility at LAX to determine whether the project will protect the safety of air passengers and the general public. The Secretary will be required to transmit to Congress and the Federal Aviation Administration a report containing the results of the review.

Mr. Chairman, I am simply saying homeland security, look at this, review it, give us an assessment. If we are about the business of securing the homeland, this is a very simple request. If, in fact, my airport, which is already identified as one of the highest security risks in the United States, is attacked because we are concentrating passengers, I have been to the Committee on Rules twice. I am on this floor, and if I cannot get support for a simple review to talk about whether or not this would be safe, then something's wrong with those who purport to want homeland security.

Mr. Chairman, I am here today to say that again the gentleman from Wisconsin's (Mr. OBEY) amendment should have been accepted because this amendment will ensure that we have a real emphasis on homeland security in fighting this terrorism. Without it, we are just joking; we are playing games. We do not really mean that we want to support terrorism.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI which states in part, an amendment to a general appropriations bill shall not be in order if changing existing law. The amendment imposes additional duties and, therefore, violates the rule.

I ask for a ruling from the Chair.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment does include language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI, and the point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. TANCREDO

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

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

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

SEC. _____. None of the funds made available in this Act may be used to provide assistance to any State or local government entity or official that restricts any government entity or official from sending to, or receiving from, the Department of Homeland Security information regarding an individual's citizenship or immigration status, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes on his amendment.

Mr. TANCREDO. Mr. Chairman, as was indicated in 1996, this body did, in fact, pass the Illegal Immigration Reform and Immigration Responsibility Act. One provision of that act states notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any other 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.

It is a good provision of law. I am glad that we passed it. One problem with it is that there are no provisions for any sort of sanction should a State, local, or any other agency choose to violate the law.

It was indicated earlier there was some degree of indignation that was identified as appropriate by some of my colleagues on the other side when we have corporations, they say, who have fled from the United States, sought some sort of tax haven off the coasts of America, yet would make application for funds under this act. They were indignant and outraged; and I, by the way, share that feeling of indignation.

It is also, I think, somewhat outrageous to have cities apply for funds under this act when they pass legislation, which has been done in several cities around the country, that actually prevents the law enforcement agencies in those cities from sharing information or obtaining information from the Immigration and Naturalization Service, or the Bureau of Immigration and Customs as it is now known.

So this is a very simple amendment. It just says a person cannot obtain funds under this act if they are, in fact, one of those cities that have done as I have just described.

□ 1930

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

Mr. Chairman, I was trying to listen to the gentleman from Colorado as he explained his amendment. I have read the amendment several times and I, frankly, have to admit I do not understand it.

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

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

Mr. TANCREDO. Mr. Chairman, I would be happy to explain it again. The purpose of the amendment is to restrict the ability of cities, counties, and local entities that have violated provisions of the 1996 act which are word for word what we have described in this amendment.

Mr. SABO. Mr. Chairman, reclaiming my time, we now have a new department. It could not have existed in 1996.

Mr. TANCREDO. Mr. Chairman, if the gentleman will continue to yield, I would note that the law, and as I understand the law subsequent to that time, has indicated the term INS can be used interchangeably with Homeland Security, or the Bureau of Immigration and Customs.

Mr. SABO. So it applied to the INS, the existing law?

Mr. TANCREDO. If the gentleman will continue yielding, the original law in 1996, yes, it did.

Mr. SABO. Would it now apply to all parts of the Department of Homeland Security, so it would also apply to TSA?

Mr. TANCREDO. The law applies as it applied before. It does not change the application of the law, it simply provides some enforcement mechanism.

Mr. SABO. But does it expand who the law applies to?

Mr. TANCREDO. If the gentleman is continuing to yield, it does not. It is exactly the same wording of the 1996 act. The only thing we are doing is adding some sort of sanction for its violation.

Mr. SABO. Are there new and different grants that could be restricted?

Mr. TANCREDO. Grants under the provisions of this act.

Mr. SABO. I am trying to understand, again, Mr. Chairman. Can the gentleman tell me who the original law applied to, in what form?

Mr. TANCREDO. Shall I read the law again? Does the gentleman wish me to read the law?

Mr. SABO. Yes.

Mr. TANCREDO. Notwithstanding any other provision of Federal, State or local law, a Federal, State, or local government entity or official may not prohibit or in any other 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.

As I say, this amendment does not change anything except it adds a sanction for any one of those entities that in fact violate the law.

Mr. SABO. But, Mr. Chairman, what I am trying to get at, I guess, is my understanding that you are saying that the old law applied to the INS; this law now applies to the Department of Homeland Security, which is 22 agencies rather than one agency.

Mr. TANCREDO. The gentleman is correct that this act, the act that we are amending, does in fact include TSA, Coast Guard, Secret Service, and First Responders, and the amendment would apply to all of those agencies also.

Mr. SABO. So it would be a significant expansion in the scope of what the current law is?

Mr. TANCREDO. I suppose under that interpretation that is true.

Mr. SABO. I thank the gentleman.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin insist on his point of order?

Mr. OBEY. Yes, I do. I think the gentleman's last words indicate the validity of the point of order.

As I understand it, under the gentleman's amendment, if States prohibit information from going to the Homeland Security agency, then the State can get no dollars under this act. My understanding of current law is that it only prohibits States from providing information to the INS. But Homeland Security, as the gentleman from Minnesota has indicated, includes TSA, it includes the Coast Guard, it includes Secret Service, FEMA, and a number of other agencies.

To me, this amendment substantially expands the scope of the coverage and, therefore, I think is legislation on an appropriations bill and not in order under the House rules.

The CHAIRMAN. Do any other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair notes that the limitation addresses a broader segment of the Executive than is addressed by the cited statute. As such, the amendment is susceptible to the construction that it attempts to apply the cited statute in cases where it is not otherwise applicable.

Because the proponent of the amendment has not carried the burden of persuading the Chair that the amendment is solely a negative restriction on funds in the bill without changing the application of existing law, the Chair is constrained to sustain the point of order. The amendment is not in order.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

SEC. . In addition to the amounts provided elsewhere in this Act, the amount of $3,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant to the University of Texas Center for Biosecurity to establish a homeland security training capacity in Houston, Texas, with strong academic and community partners.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order on the amendment; and the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I recognize that this amendment that I intend to discuss would be considered an earmark. I would like to think that the reason I am bringing this amendment to the floor goes to the earlier debate that we had on the question of expediting funds to those who are in the fight against terrorism.

Mr. Chairman, there is a desperation out there, Mr. Chairman, and, frankly, this particular program is a program that has a very important mission. In a few days the Select Committee on Homeland Security will be marking up the BioShield legislation that is to provide, in essence, a shield around the United States against bioterrorism. The mission of this center is to educate the front line public health work force, medical and emergency responders, key leaders, and other professionals to respond to threats such as bioterrorism and other emergencies that affect our communities. The center responds to the unique challenges in Texas to which regional campuses, including three sites along the critical U.S.-Mexican border, and through its urban campuses located in San Antonio, Dallas, and Houston.

Mr. Chairman, this is not a request because it happens to be in my area, but it is a request because Texas is listed as one of the most vulnerable areas for terrorism. This center will work nationally. The center works with academic institutions, governmental agencies, and relief organizations to promote our health security programs.

This amendment I am offering is representative of a number of amendments that I have offered on the basis that there is desperation out there. Another amendment that is not part of this but I want to make mention of, Mr. Chairman, is an amendment for $1 million to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness. This, I hope, will educate my colleagues, along with other Members interested, to the fact that we must ensure the protection of the neighborhoods.

This particular proposal coming from the University of Texas Health Science Center and Charity Productions is to provide for an emergency preparedness education program for community residents. Charity Productions is also developing an emergency preparedness education program in conjunction with the University of Texas. The civic organization collaborates with human service organizations, such as the Red Cross and the NAACP. To date, this civic coalition has held several emergency and disaster citizen workshops.

The goals of the partnership between the University of Texas Health Science Center and Charity Productions is to train neighborhood stakeholders, provide a comprehensive rage of opportunities to ensure neighborhood safety, and to facilitate full participation for all community residents, whether or not their active language is English, to increase community partnerships and to work with governmental programs to provide the support and training necessary at the grass roots level. The value of these collaborative efforts in the event of a terrorist attack is immeasurable.

The question always has to be that when we try to secure the homeland we have to secure the neighborhoods. These earmarks that I am suggesting are clearly to bring to the attention of this floor that we must expedite the funds to these local communities.

My other amendment, that again I will simply discuss, has to do with resources to the Houston Bureau of Immigration Customs Enforcement, and the grounds are basically the same;

that in fighting terrorism there are some places that have a higher ranking. Houston was ranked number seven on the list of cities most vulnerable to a terrorist attack by Secretary Tom Ridge of the Department of Homeland Security. Certainly we need effective immigration controls necessary to add to the safety of the region.

Mr. Chairman, it is crucial as we move through this process that we realize that all of this cannot be done in Washington. It has to be done on the homefront. Again, I remind my colleagues of the overview that many of us took this past weekend when we could clearly see neighborhoods within yards, within blocks of very dangerous or potentially dangerous areas, meaning they were vulnerable to terrorist attacks. While I was in California, there was a train derailment that wound up going into a local crowded residential area.

Mr. Chairman, desperation causes us to want to move the Department faster, to want to move the funds faster, to want to simplify the process to ensure that monies are gotten directly to those who are doing research.

I also want to add, Mr. Chairman, the importance of including Hispanic serving institutions in research, which is what this BioShield effort will do and these monies will do, historically black colleges, Native American institutions, Asian Pacific so we can expand the reach to culturally diverse communities. So though we may not be able to move forward today, we clearly should be moving forward to be of greater assistance to those who are securing the homeland.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security appropriations bill, and I urge my colleagues to support my amendment.

The purpose of this amendment is to appropriate funds to the University of Texas—Center for Biosecurity, in conjunction with academic and community partners, to establish training programs for dealing with biological terrorist attacks in the Houston area.

Protecting America's homeland will be accomplished at the local level. To adequately prepare local police departments, fire departments, hazardous materials teams and other first responders will require expert training and education. Additionally, preparing community-based nonprofit organizations and civic corps will require guidance on how members of the community can help government agencies in the event of a terrorist attack. The University of Texas—Center for Biosecurity's training initiative will not only prepare the Houston area to deal with a terrorist attack, it will provide a training model for other cities across the country.

The University of Texas—Center for Biosecurity is located within the School of Public Health of The University of Texas Health Science Center at Houston. The mission of this center is to educate the frontline public health workforce, medical and emergency responders, key leaders, and other professionals to respond to threats such as bioterrorism, and other emergencies that affect our communities. The center responds to the unique challenges in Texas through its regional campuses, including three sites along the critical United States-Mexico border and through its urban campuses located in San Antonio, Dallas, and Houston. Nationally, the center works with academic institutions, governmental agencies, and relief organizations to promote our health security program objectives. The Center for Biosecurity is organized into four main homeland security cores to conduct its programs: training and education, research, integrated response, and community service.

The Training and Education component provides an integrated forum to bring critical community responders together under the philosophy of ''training together to respond together.'' This endeavor includes both short-term targeted programs of instruction, as well as longer term opportunities for more specialized education culminating in master's and doctoral degrees.

The research component focuses on emerging public health and safety issues to provide analysis, evaluation, and technology solutions for homeland security health threats that endanger the community and those who must respond to preserve their health. The center also strives to translate new ideas into effective solutions that address State-based health security needs.

The Integrated Response component works with public health, medical, and affiliated first responders to identify training needs to improve our Nation's health security. In addition, we strive to provide the tools for preparedness and response where active collaboration between vital emergency response sectors will be critical to achieve the best health outcomes for the population. Lessons from the military are integrated into civilian practice.

The Community Service component provides expertise for planning, training exercises, executive leadership, public health, and hospital preparedness in both domestic and international settings. Partners in vulnerable communities are critical to this preparedness effort. Local partners integral to this center include Texas Southern University on issues related to providing mass medical prophylaxis to underserved populations, and Prairie View A&M on issues related to public health outreach and nursing.

Mr. Chairman, the University of Texas—Center for Biosecurity is a critical program for preparing the Houston area for a terrorist attack. My amendment will provide needed funding for this pilot program. I urge my colleagues to support my amendment.

AMENDMENT TO H.R. 2555, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

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

SEC. . In addition to the amounts provided elsewhere in this Act, the amount of $3,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant to the University of Texas Center for Biosecurity to establish a homeland security training capacity in Houston, Texas, with strong academic and community partners.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security Appropriations bill and I urge my colleagues to support my amendment.

This amendment requests that $1,000,000 in Department of Homeland Security funds be appropriated for the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness measures.

Securing America's homeland must be accomplished at the local level. It is imperative that community-based organizations work in conjunction with state and local government officials, first responders, and medical personnel to ensure that needed services are provided to the community in the event of a terrorist attack, and needed information only available to members of the community gets to public officials. The partnership between University of Texas Health Science Center and Charity Productions seeks to develop and implement programs to assist local community officials in their homeland security preparedness efforts.

The University of Texas Health Science Center at Houston embraces a mission to advance the health of the people of the State of Texas, the Nation, and our global community through educating compassionate health care professionals and innovative scientists. The University of Texas Health Science Center at Houston supports its mission by working with the community organizations to meet the needs of local residents. Charity Productions is a nonprofit organization dedicated to providing innovative programs and workshops for community groups, school districts, parents, youths, law enforcement agencies, and various other service providers.

Charity Productions has developed a prototype community activism initiative designed to reach underserved communities and get them active in homeland security efforts through civic clubs. The local focus of the charity allows members of the community to work directly with health care, fire, and police officials to prepare for terrorist attacks. The University of Texas Health Science Center brings technical, medical and emergency expertise to the partnership. One of the goals of MNP is to develop and implement an Emergency Preparedness Education Program (EPEP) for community residents. Charity Productions is also developing EPEP in conjunction with the University of Texas. The Civic Organization Collaborates with human service organizations such as the Red Cross, and NAACP. To date the Civic Coalition has held several Emergency and Disaster Citizens Workshops.

The goals of the partnership between University of Texas Health Science Center and Charity Productions are: to train neighborhood stakeholders; provide a comprehensive range of opportunities to insure neighborhood safety; to facilitate full participation for all community residents whether or not their active language is English; to increase community partnerships; and to work with governmental programs to provide the support and training necessary at the grassroots level. The value of these collaborative efforts in the event of a terrorist attack is immeasurable.

Mr. Chairman, this amendment requests funds to implement a program that will provide safety to the citizens of the Houston area, and will provide a model for local communities across the country in their homeland security preparedness efforts. I urge my colleagues to support my amendment.

AMENDMENT TO H.R. 2555, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

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

SEC. . In addition to the amounts provided elsewhere in this Act, the amount of

$1,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness initiatives in the Houston area.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security Appropriations bill and I urge my colleagues to support my amendment.

My amendment seeks a $1,000,000 appropriation for the Houston Bureau of Immigration and Customs Enforcement for homeland security related immigration and customs enforcement measures.

The events of September 11 have illustrated the importance of strict enforcement of immigration laws and regulations. Likewise, the events in the aftermath of September 11, from terrorism profiling to illegal detentions, have illustrated that our immigration efforts related to fighting terrorism must be refined. My amendment allocates funds to the Houston Bureau of Immigration and Customs Enforcement to make the necessary changes to immigration enforcement procedures in regards to fighting terrorism.

Houston was ranked number seven on the list of cities most vulnerable to a terrorist attack by Tom Ridge, the Secretary of the Department of Homeland Security. As such, effective immigration controls are necessary to protect Houston from terrorist attacks. The homeland security/immigration enforcement component of Houston's Bureau of Immigration and Customs Enforcement will promote public safety and local security by deterring illegal migration, preventing immigration-related crimes regarding terrorism, and removing individuals, especially criminals, who are unlawfully present in the Houston area. This mandate is carried out by the Immigration Investigations, Detention and Removal, and Intelligence Departments.

The Immigration Investigation Department, and their staff of field agents, investigates violations of the criminal and administrative provisions of the Immigration and Nationality Act. The Detention and Removal Department is responsible for the supervision, detention, and removal of aliens who are in the Houston area and United States unlawfully or who are found to be deportable or inadmissible. Finally, the Intelligence Department analyzes and implements intelligence received from the National Office, and collects and analyzes immigration intelligence for the Houston area.

The funds will be used to finance existing immigration enforcement programs, and to develop new programs to improve immigration enforcement and reduce the likelihood of terrorist attacks in the Houston area.

Mr. Chairman, if terrorists are unable to breach the borders of the United States their ability to perform terrorist acts will be all but eliminated. I propose my amendment to fund the immigration control efforts in the city of Houston. I urge my colleagues to support my amendment.

AMENDMENT TO H.R. 2555, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

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

SEC. . In addition to the amounts provided elsewhere in this Act, the amount of $1,000,000 is hereby appropriated to the Secretary of Homeland Security for use by the Houston, Texas, Office of the Bureau of Immigration and Customs Enforcement for homeland security related immigration and customs enforcement in the Houston area.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky insist upon his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman. I make a point of order against the amendment because it provides an appropriation for an unauthorized program, therefore it violates clause 2 of rule XXI which states, in pertinent part, an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI, and I respectfully ask for a ruling.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I said this earlier today. We are working as best we can, but I would argue that while Rome is burning we are standing on this issue of waiving points of order and, therefore, those who are in great need of resources to protect America and to protect neighborhoods are without those resources.

This amendment was offered in desperation, the need to move forward on funding the opportunities for neighborhoods to secure themselves, that school districts can provide safe places in the community for our neighbors, to educate our neighbors about homeland security, to provide personnel, to provide resources and to provide equipment.

What I would say, Mr. Chairman, is that in light of the point of order, the point has been made, and I hope to work with the authorizing committee as we move through the appropriations process to douse this fire that Rome now is engulfed in and to be able to say to our communities that we are expediting those funds and providing the necessary resources.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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

Mr. Chairman, I rise to discuss the funding of the Federal Emergency Management Agency. The bill before us includes $1.8 billion in disaster assistance for FEMA to use in fiscal year 2004 to assist the many communities across the country that will encounter natural disasters such as ice storms, tornadoes, and forest fires.

Mr. Chairman, I planned to offer an amendment today that would have given FEMA an additional $1.6 billion that it needs just to cover a shortfall in disaster assistance for the 2003 year.

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But the communities that are waiting for this money cannot wait any longer. They cannot wait for the new fiscal year to begin in October when FEMA's coffers will be replenished. The administration has an obligation to ask Congress immediately to provide FEMA with the money it needs to help the communities that were promised assistance by the President when he declared those cities and towns disaster areas. FEMA is running so low on money right now that I understand the agency is only fulfilling a part of its mission under the Stafford Act, parts A and B for debris removal and emergency protection measures.

While I believe it is very important for FEMA to provide funds for these important categories of assistance, relief under categories C through G of the Public Assistance Program are also vitally important. Unfortunately, I have been informed that FEMA has frozen funding for the Public Assistance Programs that help communities rebuild roads and bridges as well as public buildings and utilities. This is unacceptable.

I know that the communities in the 29 counties in Ohio that the President declared disaster areas this winter have already expended money to rebuild the local infrastructure required to get these towns back on their feet. In one of my counties, Monroe County, Ohio, the county engineer has already spent so much money and has failed to be reimbursed for it that he has had to lay off five county employees. Five workers in Monroe County, Ohio, are unemployed tonight because FEMA has not met its obligations.

In southern Ohio, FEMA approved 1,363 projects across 29 counties to be funded following this winter's ice storms that occurred in my district and districts of many other Members throughout the region, both Republican and Democratic Members. Because of FEMA's funding shortfall, however, 293 reconstruction projects remain to be funded. Only 80 percent of approved projects in Ohio have been completed since last winter's ice storm. The State is still waiting for $11 million from FEMA to finish up the remaining 293 projects, but across this country the situation is the same.

The National Emergency Management Association has indicated in a letter to the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI) that thousands of applications will go unanswered if supplemental appropriations in the range of $1.6 billion are not passed immediately. More than 35 States and Territories have experienced disasters just this year and thousands of projects in those States will go unfunded unless the administration asks Congress for supplemental appropriations.

I am circulating a letter to Secretary Ridge today, and I ask all of my colleagues to join me. We should ask Secretary Ridge to work with the administration to ensure that a request for supplemental appropriations is made

immediately so that the appropriations committees in the House and Senate can begin work on a bill to provide FEMA with the money the agency needs to continue disaster payments to the States. The States cannot wait for the fiscal year 2004 appropriations process to run its course. They need assistance now, as do the thousands of communities across the country that are waiting to be reimbursed for the important rebuilding projects that they have already begun or for the funds that they need to begin these projects.

Mr. Chairman, I just call this issue to the attention of my colleagues and to this House. This is a critical matter. It needs to be addressed. As I said, I am calling upon Secretary Ridge and I hope all of my colleagues in the House will be willing to sign a letter to the Secretary asking that this request for supplemental funds be coming forthwith.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I suggest to the gentleman that his comments are very well taken and when the administration makes the request, which we do anticipate, for FEMA and other issues, that the Committee on Appropriations will move on it quickly and very likely apply it to the very next appropriations bill that is in the process and ready to be considered by the House.

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

Mr. YOUNG of Florida. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Chairman, the gentleman has made me very happy. I appreciate the gentleman's concern and personal commitment, and we look forward to getting this done so these communities can get the help they so desperately need.

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

Mr. Chairman, I also want to talk about FEMA. FEMA is now under the jurisdiction of the Department of Homeland Security. FEMA and the Nuclear Regulatory Commission have a memorandum of understanding that FEMA is in charge of certifying offsite emergency evacuation plans of nuclear power plants. The process is still underway for the Indian Point plant in New York in Westchester County.

I originally was going to put forth an amendment which would prevent Federal funds from being spent by FEMA to certify any offsite emergency evacuation plans for nuclear power plants, but I will not offer this amendment. However, I feel it is critical that I speak about a matter of homeland security to my constituents and the 20 million people living near the Indian Point Nuclear Power Plant in New York.

While I am not against nuclear power, I believe it is in our Nation's vital interest to shut down the Indian Point Nuclear Power Plant in Buchanan, New York, right near my district of Bronx, Westchester, and Rockland Counties. Indian Point is located 35 miles north of midtown Manhattan. The planes that flew into the World Trade Center passed directly over the nuclear power plant and blueprints for American nuclear power plants were found in al Qaeda caves in Afghanistan.

The problems with Indian Point are not new. Indian Point is located in a densely populated area, in fact the most densely populated area in all of the United States. In fact, it is the nuclear power plant that is the closest to any densely populated metropolitan area of the United States, and it happens to be the major metropolitan area of the United States.

Approximately 20 million people are located within the 50-mile emergency planning zone. The road system in the area is woefully inadequate to meet the needs of those people living in the area making an evacuation in the event of an emergency at Indian Point impossible.

No matter what the cause of radioactive release at Indian Point, terrorists or accidental, the result would be the same. The 20 million people living in the emergency planning zone would be in grave danger. Now the emergency evacuation plan that FEMA is now considering is fatally flawed and will not protect the public. An independent investigation of emergency preparedness at the plant conducted by former FEMA Director James Lee Witt and commissioned by Governor Pataki found that ''the current radiological response system and capabilities were not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point.''

Following the release of the report in early January of this year, Governor Pataki and the four county executives from both parties within the 10-mile emergency planning zone refused to certify the evacuation plans. The report concluded there was no way to improve the existing emergency plan to sufficiently meet the current security threat.

If we are to truly protect the citizens of the tri-State area of New York, New Jersey and Connecticut, we must shut Indian Point down. Again, I want to say I am not anti-nuclear power, but I am against risking the lives of 20 million American people.

FEMA, despite refusing to certify the emergency evacuation plans on February 21, saying it could not provide reasonable assurance that the public would be protected in the event of a radioactive release from the plant, has still not issued a final determination. As a result, Indian Point is still operating despite the fact that no Federal agency is protecting the safety and security of my constituents.

We all know that if built today, Indian Point would never be sited anywhere near the New York Metropolitan Area. Furthermore, September 11 changed the equation. While I may not have been worried about the fact that a nuclear power plant was located in my backyard before September 11, now we all know it is a potential terrorist target. We should not allow a nuclear plant to continue to operate just simply because it exists. FEMA must be forced to take the post-9/11 world into account when it evaluates the offsite emergency evacuation plan.

In that case, I cannot imagine how FEMA could then provide reasonable assurance that the public would be protected should something go wrong at the plant. I know the gentlewoman from New York (Mrs. LOWEY) shares these sentiments. I think it is very important that we understand that the Indian Point Nuclear Power Plant should be shut down.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.

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: The amendment offered by the gentleman from California (Mr. FILNER), and the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

AMENDMENT OFFERED BY MR. FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 274, not voting 11, as follows:

[Roll No. 307]

AYES—149

Ackerman	Cardin	Dingell
Alexander	Cardoza	Doggett
Baca	Carson (IN)	Dooley (CA)
Baird	Case	Doolittle
Ballance	Clay	Engel
Becerra	Clyburn	Eshoo
Berkley	Costello	Etheridge
Berman	Crowley	Evans
Bishop (NY)	Cummings	Farr
Blumenauer	Cunningham	Filner
Boehlert	Davis (CA)	Ford
Boswell	Davis (FL)	Fossella
Boyd	Davis (IL)	Frank (MA)
Brown (OH)	DeFazio	Gonzalez
Brown, Corrine	DeGette	Green (TX)
Capps	Delahunt	Grijalva

Gutierrez
Harman
Hastings (FL)
Hefley
Hinchey
Hinojosa
Hoekstra
Holt
Honda
Hostettler
Houghton
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Matsui
McDermott
McGovern
McHugh
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Quinn
Renzi
Reyes
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sherman
Shimkus
Slaughter
Solis
Spratt
Stark
Stenholm
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walsh
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—274

Abercrombie
Aderholt
Akin
Allen
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hoeffel
Holden
Hooley (OR)
Hoyer
Hulshof
Hyde
Isakson
Israel
Istook
Janklow
Jenkins
John
Johnson (IL)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—11

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Hobson
Johnson, Sam
Kilpatrick
Myrick
Skelton
Smith (WA)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

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Messrs. BROWN of South Carolina, BEAUPREZ, MILLER of Florida, TAYLOR of Mississippi, BRADY of Texas, and ISRAEL, and Mrs. JO ANN DAVIS of Virginia and Ms. MCCARTHY of Missouri changed their vote from ''aye'' to ''no.''

Messrs. TANCREDO, QUINN, JONES of North Carolina, BOEHLERT, HEFLEY, WALSH, EVANS, HOLT, MATSUI, SCHIFF, FOSSELLA, SHIMKUS, RENZI, SHERMAN, and Ms. ESHOO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated 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 278, noes 146, not voting 10, as follows:

[Roll No. 308]

AYES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Goodlatte
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Simpson
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—146

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner

Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Graves
Harris
Hastings (WA)
Hayes
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Gary
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ryun (KS)
Schrock
Sessions
Shaw
Sherwood
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cox
Cubin
Gephardt
Kilpatrick
McDermott
Skelton
Smith (WA)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2028

Messrs. ROHRABACHER, LINCOLN DIAZ-BALART of Florida, KIRK, and ROYCE, Mrs. KELLY, Ms. ROS-LEHTINEN, and Ms. HART changed their 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

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

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

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

SEC. _____. None of the funds made available in this Act may be used to provide assistance to any State or local government entity or official that restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs (assuming the responsibility of the Immigration and Naturalization Service) information regarding an individual's citizenship or immigration status, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

□ 2030

Mr. TANCREDO. Mr. Chairman, in 1996, the House passed the Illegal Immigration Reform and Immigration Responsibility Act, a provision of which I have restated in this amendment. It simply says that notwithstanding other provisions of Federal, State, or local law, that 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.

That is current law. We passed that in 1996.

There was just one tiny problem with it. There are no sanctions, there are no provisions for a penalty if localities, in fact, violate the law. 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 for 20 years had prohibited police officers from not communicating——

Mr. SABO. Mr. Chairman, if the gentleman will yield, I am having trouble following what this amendment does or does not do. It may be of significant relevance to some people.

Mr. TANCREDO. 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. That is a violation of the law. It is a violation of the present law. Unfortunately, there are no sanctions for that violation.

All this amendment does is to impose such sanctions by saying that no funds made available in this act and under the provisions of specifically the Immigration and Naturalization Service, which has now become the Bureau of Immigration and Customs, can be forwarded to such a city that has, in fact, violated the law. It is as simple as that. There is nothing else to it. It was the original amendment that I made during the discussion earlier. I have changed the language to reflect the concerns of the Parliamentarian and the reason it was ruled out of order.

That is the entire scope of the amendment, Mr. Chairman.

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

The CHAIRMAN. If a Member wants to reserve a point of order, it must be done before the amendment is presented.

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

I want to ask the gentleman a question. What cities would this apply to?

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

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

Mr. TANCREDO. Well, there are several cities that have passed laws in the nature I have just described, including Los Angeles; Portland, Maine; Houston; Seattle; San Francisco; San Jose; Portland, Oregon; San Diego; and Chicago, to name a few. I think there are others.

Mr. SABO. Houston. And do I understand correctly, because I have tried to read this language. I am sorry, there was so much noise I could not clearly hear what the gentleman was saying.

Under old law, under the INS, there were certain restrictions that we passed that in some fashion applied to the transfer of funds from the INS if a city did certain things; is that what it states?

Mr. TANCREDO. No. Mr. Chairman, if the gentleman will yield, the original law did not apply to the transfer of any funds. It was simply a law making it illegal for any city to restrict the flow of information to or from the Department of the Immigration and Naturalization Service, actually.

Mr. SABO. Mr. Chairman, reclaiming my time, as I read this amendment, this says, none of the funds can be used to provide assistance to any State or local government, entity, or official that does certain things. I do not quite understand the end of this, what they are or are not doing.

My assumption is that now this would apply to FEMA funds, emergency funds; it would apply to airports that are receiving funds under the Transportation Security Act.

Mr. TANCREDO. Mr. Chairman, if the gentleman would yield, no, that is not correct. That was the original concern the gentleman raised. The Parliamentarian at that time ruled that because the original amendment had the words ''Homeland Security,'' that the gentleman was correct in his point of order. I have changed it so that it does not refer to the Department of Homeland Security. It refers specifically to the Bureau of Immigration and Customs, which meets the Parliamentarian's concern; and I have reintroduced the amendment.

Mr. SABO. Mr. Chairman, reclaiming my time, I am sorry, I am having trouble again. But as I read this, none of the funds made available in this act may be used to provide assistance to any State or local government or official that restricts any government entity or official from sending or receiving funds, and I am not sure what agency the gentleman is referring to. But ''none of the funds that are used to provide assistance'' would now include all of the funds flowing to airports from the TSA; and it would apply to FEMA funds, I would assume. It would apply to all of the first responder funds that are in this bill. I would assume it would apply to all the port funds that are in this bill.

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

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

Mr. TANCREDO. Mr. Chairman, once again, the law that I am amending, the provision of the law that I am addressing here is current law. The provision of the law that we are dealing with is the part of the 1996 act.

All this amendment does is say that no funds can be provided through the Bureau of Immigration and Customs to cities that have violated this law. That is it. We are simply putting teeth into the original law. That is all there is to it. Nothing more. It is as simple as that. And it is through the Bureau of Immigration and Customs. It is not TSA in particular, by the way, the one that the gentleman keeps referring to.

Mr. SABO. Mr. Chairman, I will let someone else maybe try and figure it out. I remain confused. It just seems to go farther to me than what the gentleman has indicated.

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

Mr. Chairman, I rise to strike the last word in an effort to understand the first few words.

The gentleman from Colorado said to the gentleman from Minnesota that the only funds involved were funds under the Illegal Immigration Reform and Immigrant Responsibility Act, but that is not what it says. The amendment says ''none of the funds made available in this act.'' The reference to the Immigration Responsibility jawbreaker does not come until the bottom. What it says is that if you violate the Illegal Immigration Reform and Immigrant Responsibility Act, then you get no funds under this act.

I know we debated what ''is'' is, but I thought we were pretty clear on what ''this'' is. This is this. This is the act. It says ''none of the funds made available in this act.''

So the question is, in line 2 of the gentleman's amendment, when it says ''none of the funds made available in this act,'' what act is he talking about? And it would appear to be the act that we are now about to enact.

I wanted to ask the question precisely. I would ask the gentleman when it says in line 1, none of the funds made available, and in line 2, this act, in line 2, what do the words ''this act'' refer to?

I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, the amendment goes on to further define it, and it is defined: through the money that is provided to the Bureau of Immigration and Customs.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, no, it does not. The gentleman has not read his own amendment, much less written it.

What this says is, you do not get any funds under this act if you violate the Illegal Immigration Act. It does not say that the funds come under the act; it is a 2-part amendment. It says, first, you do not get any funds under this act. It does not define this act later on; it defines what forfeits money under this act. What causes you to forfeit money under this act is a violation of the Immigration Act. It does not say in here that you lose money under the Immigration Act; it says you lose money under this appropriation if you violate that act.

I will yield again.

Mr. TANCREDO. Mr. Chairman, I must admit I do not believe that the gentleman is really confused about the purpose of the amendment or the words that are printed here. It is, in fact, quite clear.

We have run it around the horn here several times, including with the Parliamentarians. The issue that the gentleman brought up earlier dealing with an expansion of the original law has been dealt with by this new amendment. We are speaking specifically of the Bureau of Immigration and Customs.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I would say to the gentleman, I understand his concern with making clear, and I have heard him say this in other contexts, that English is the official language, and I would urge him to work on that, because English is what it states here, and it says, in English, this is in English now, the only language I speak being a typical American; it says in English, ''none of the funds made available in this act may be used to provide assistance to any State that violates the Illegal Immigration Reform and Immigrant Act.''

So it is very clear. It is this act to which the funds refer. The act that was passed in 1996 triggers the loss of funds under this act. And it seems to me it is a far harsher penalty for the violation and the very fact that the gentleman offers the amendment in one form and then explains it in another is, I think, an indication of its weakness.

□ 2045

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

Mr. Chairman, the gentleman who is offering this amendment has just said that what he is doing is to apply to existing law with respect to the Immigration Act as a new set of sanctions. And what that means is that none of the funds provided in this bill can go to any locality that is violating that law which means they get no fire grants, they get no port security money, they get no money for their Office of Domestic Preparedness.

It applies to FEMA. How many of you want to have a disaster and find out because of some technicality your State is not eligible for any money? How would you like that if it happened to fire funds, for instance?

So I would say that it is very clear, you are making a very big change in what localities can receive under this bill. Now, State and localities are already being short-changed and should have received far more than they did in the tax bill because of their budget crunch. This will simply add to their woes and will do so inadvertently if they were simply in violation because of a technicality.

It is obvious to me that we are going to have a vote on this bill. As far as I am concerned, we might as well get on with the vote and get out of here.

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

Mr. Chairman, I am not going to speak for 5 minutes. I just want to say what this amendment does, to be blunt, is it says that if any city in the country, and according to the gentleman who read a list of most of the large cities in the country, if they are in violation of a particular provision of the Immigration Act which now has no sanction, this will put a sanction on the city, on all the large cities, and the sanction will be that we will leave them open and naked to the terrorists. That is what it says.

No funds can go to those cities to protect their ports, no funds made available in this act. This act makes available funds for fire, for police, for emergency responses, for protection against terrorists. Now, I know we want to get to a vote but this is about as important an amendment as we have taken up here in a long time. Because whether the people understand it or not, what this amendment will do, and maybe we should do something about non-enforcement about the immigration provision, maybe the Committee on the Judiciary should hold hearings on that, but in fact what this amendment does is say most of the large cities in the country because they are not in compliance with a specific provision of the immigration law will gets no funds to use to protect themselves against the terrorists. No funds for port security, no funds for airport security, no funds for fire and emergency response. That, I submit, makes no sense.

It says to all the citizens in all those large cities, we will hold you hostage so that the terrorists have a free hand at you if your city violates the immigration law. That is not the way to enforce the immigration law. I urge a no vote.

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

Mr. Chairman, I hope the public is paying attention to this debate. If we had major cities throughout this country, they are refusing to cooperate with the INS and other people who are trying to protect us from illegal aliens that may be coming in to do terrorist acts, they should not be getting funds from this government. We are trying to ask them to comply to protect our citizens when we are given that type of a description.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. TANCREDO) to give him a chance to answer some of these absurd charges.

Mr. TANCREDO. Mr. Chairman, at least the gentleman from the other side who spoke a minute ago did reflect accurately, I think, the purpose of the amendment. It is to do exactly that. It is to restrict funds to those cities

which have decided to restrict their police or other agencies from sharing information with the Bureau of Immigration and Customs. That is accurate and that is the first time it was described accurately by anybody on the other side. That is exactly what I want to do. Because, Mr. Chairman, there are in fact cities that are violating that law. We passed it in 1996. There has got to be some way for us to impose some sort of sanction or repeal the law with or if it is on the books, let us have in some teeth in that.

Mr. ROHRABACHER. Reclaiming my time, the purpose of this amendment is clear. We are trying to have cooperation throughout the country in a matter that is vital to our national security and the safety of our people. If there are people in those governments, in those cities that are refusing to cooperate with us, refusing to permit those who are responsible for protecting our borders to get assistance, they should not be getting funds. This is how we will encourage them to get involved and to help protect America.

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

Mr. Chairman, three quick points.

Number one is this says none of the funds, no funds will go to any municipality, any State entity, any governmental entity for any homeland security purpose if they have chosen in a totally legitimate way not to give information about someone's citizenship like mine or anyone else's because that is what the gentleman's amendment reads.

This is a coercive action against any State, municipal or other entity to say to that State, municipality or other entity, you must do a series of things, including giving information on a person's citizenship status, like my citizenship status, to the INS. So much for State rights, so much for the local municipalities know best. So much for all I have listened to for the last decade.

This is an unfunded mandate on all of those governmental entities making it an extension of what was the INS. That is what you really want to do.

Lastly, you can keep taking lessons in Spanish, but if this is your Hispanic outreach we want none of it. I urge a no vote.

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

Mr. Chairman, I am not a lawyer but in spite of that I think I understand the intent of this amendment. As I understand it, we have a law that has been in effect now for 7 years which is really being violated by a number of cities. The Mayor of San Francisco, for example, told her police not to give information to INS. This is a clear violation of the law.

No evil thing is going to happen to any city or any jurisdiction if they just follow the law. When you do not follow the law, you end up in jail if you are an ordinary citizen. These cities and jurisdictions that are violating this law need to understand that the law needs to be kept.

All this amendment says is if they do not follow the law which has now been in effect for 7 years, they are not going to get any money, and I think that is a very reasonable thing. I do not think there will be any violations of the law because they clearly want the money. And I just do not think there is anything sinister in this. We have a law that is grossly violated. There are no penalties in the law. All this does is put in reasonable penalties. The only penalties you can put in this bill is simply denying them funding under this bill. Nobody will get hurt. All they have to do is follow the law and they will get all the money they should get.

Mr. Chairman, I think this is very simple. It should not be necessary to discuss this any longer. It could not be simpler. They are breaking the law. This puts some teeth in the law. If they continue to break the law, they will not get money. If they do not get money, they will not continue to break the law.

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

Mr. Chairman, I think the discussion that we are having tonight is really a discussion about immigration and the immigration policy of our country. And we might want to cloak it in national security but it is what it is.

Our Supreme Court has stated that when you matriculate a child in school, you do not ask the immigration status of that child or that child's parents. That is the Supreme Court decision. That is the law of this land. Children born here in the United States of America, they are citizens by constitutional right. When their parents go to enroll them in school, they must feel free to enroll them in school. Indeed, there are hundreds of thousands of children in our public school systems in this country whose parents do not have a legal status in this country. They do. They are the citizens of this great Nation of ours. We should allow those educational systems to continue to work.

There are police departments, over 400 of them in the Nation, that have made a decision that they want crime reported. That is a very local decision. And we should not be substituting it with a national policy by passing this amendment. I think the police chief of LA, the police chief of New York, the police chief of Chicago and the employees that work under them should be given the respect that this institution should give to them because they are on the front line fighting crime each and every day. And they should make the decisions about how best they can protect the welfare of the citizens of those cities.

We have talked a lot about the localities and making sure that everything works better back home. Well, this is an instance where things are working better back home and we should leave it alone. And we can have a debate all night, but I think clearly what is going to be read in the papers tomorrow and the evaluation that is going to be made of this vote is going to be that those that care to say that immigrants are bad to this country, and those that care to extol the virtues of immigrants are going to take different sides on this debate. But this is really a debate about immigration.

Let me end with this: I think that the President of the United States of America acknowledged that we have to do something about undocumented workers in this country. That is just a fact. There are 8 to 10 million undocumented workers and that is what this is really all about, and this is an attempt to deny them education and to deny their children education and to deny the police to protect them. That is what this is really all about.

The President of the United States sat down with the President of Mexico for one to try to work out some reasonable immigration policy. We should allow them and the Secretaries of State of those countries to bring back, to come to a reasonable solution. Listen, this is not going to get rid of one undocumented worker, as long as in the State of Washington 70 percent of the agricultural workers are undocumented. We know that we eat their apples. We eat the grapes from California. We eat the oranges from Florida. We know who picked those fruits in this Nation. We know who does some of the hardest work in this country each and every day.

So let us have a debate on immigration. Let us have a debate on immigration. Let us have a broad debate on immigration, and let us try to figure out how we streamline new immigrants to this country as we integrate those that are working hard, paying taxes and following the law of this land. Let us not have a debate here tonight where one person can go and put a claim, I got the immigrants today. I feel so proud.

America has a proud tradition in this country of respecting the work and the wealth of the contributions of immigrants, whether they be Italian or Irish or Polish. That is what has made this Nation so great.

Let us not belittle those contributions here with this debate tonight. Let us vote no on this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just say the following: The topic of immigration is a very much sensitive topic and it is emotional. It is perceived with a lot of emotion in the immigrant communities in this country. And so what I would ask is that we have the opportunity to review this amendment. I asked my friend, the gentleman from Colorado (Mr. TANCREDO) for a copy, and he said that the only copy is on the desk, so I have not had an opportunity to even read this amendment.

□ 2100

What I do know is the following, that this is a sensitive issue; that it requires that this House deliberate on it, and if it is an amendment that we have not even had an opportunity to read, then my suggestion would be to my friend that he give an opportunity to this House, through the regular process, for this to be studied; and if he will not, then I will vote against this amendment. I say so because this is a sensitive issue. This is an issue of extraordinary sensitivity to the immigrant communities in this country; and so I ask both sides of the aisle, if the amendment is not withdrawn, to vote it down.

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

I hope that we can listen to my good friend from Florida; and for those who are still trying to struggle with their own conscience, let me just simply say that this is a sensitive issue, but what it does capture is our fear of politics, and I just want my colleagues to think of a local hamlet or rural area that inadvertently, inadvertently does not provide information. They too will lose their fund.

The other aspect of this amendment that the gentleman from Colorado (Mr. TANCREDO) has not spoken to is that they will make the teachers, doctors, nurses and others hunting down those they believe to be violators of the immigration laws and they will begin to approach not those who may be undocumented, but they will approach citizens who are, in fact, documented. It will be a politics of fear because our local communities will be fearful of losing the dollars that they are going to get.

Mr. Chairman, the gentleman from Florida has made a very good proposition. This House, the committees have not had an opportunity to review this amendment, nor have they had a full opportunity to review how we wish to go forward on immigration policy.

My question to the gentleman from Colorado (Mr. TANCREDO) would be, is the administration in support of this amendment? Is President Bush in support of this amendment? Is this an administration proposition? If it is, then we need to have a policy statement, a letter from the administration suggesting that this is an amendment that they support; and frankly, I believe, Mr. Chairman, that this is an amendment that will take us down that very thorny path of seeking out citizens who happen to have a foreign name, wherever they might be, because our cities and local governments, rural areas will be fearful that the long hand of the government will snatch their money away from them.

This is a bad amendment, and I hope that it goes down the tube; but I hope the gentleman will withdraw the amendment or vote it down.

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.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 322, not voting 10, as follows:

[Roll No. 309]

AYES—102

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boozman
Brady (TX)
Burns
Burton (IN)
Buyer
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Gutknecht
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Lucas (OK)
Manzullo
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Putnam
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)

NOES—322

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

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
John
Skelton
Smith (WA)
Udall (CO)
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN (during the vote). There 2 minutes remaining in this vote.

□ 2120

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

Mr. GARY G. MILLER of California changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. UDALL of Colorado. Mr. Chairman, I was inadvertently detained and did not arrive in the Chamber in time to vote on rollcall number 309, the Tancredo amendment to H.R. 2555, the Homeland Security appropriations bill. Had I been present, I would have voted ''no.''

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we wrap up debate on this bill, this historic bill, the very

first appropriations bill that this Congress has taken up to fund the new Department of Homeland Security, truly a historic day, I want to say just briefly how much I appreciate all of the help that the members of the subcommittee gave to us as we crafted this bill in a bipartisan way, and for all of the Members who have conducted the debate today, I think, in a very high-minded way.

I want to especially thank my colleague, my ranking member, the gentleman from Minnesota (Mr. SABO), who has been of immense help as we constructed the bill, and all the members of the subcommittee and of the full committee.

I want to especially single out the vice chairman of the subcommittee, the full committee chairman, the gentleman from Florida (Mr. YOUNG), who was helpful in the drafting of this bill, but also, most importantly, had the courage back in the wintertime to have the Subcommittee on Homeland Security created in the full committee. It was courageous. The other body followed suit. Otherwise, this Department would be appropriated by seven or eight different subcommittees on the House and Senate side. So I want to thank Chairman YOUNG for doing a great job and having the courage to be a leader.

And lastly, Mr. Chairman, I want to thank the very excellent staff that we have had the good fortune to work with for only 3½ months since this subcommittee has existed. Just a short time, but this staff pulled together a bill from whole cloth and nurtured it through the process, and we owe a lot to this excellent staff on both sides of the aisle who put this very first bill together.

Mr. Chairman, I thank my colleagues for allowing me to thank these people for doing a great job.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, 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. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 293, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on suspending the rules and passing H.R. 1416.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

[Roll No. 310]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—7

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Skelton
Smith (WA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2141

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOMELAND SECURITY TECHNICAL CORRECTIONS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1416, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

COX) that the House suspend the rules and pass the bill, H.R. 1416, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 311]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Brown-Waite, Ginny
Calvert
Clay
Conyers
Cubin
Dooley (CA)
Gephardt
Hill
Hinojosa
Johnson, Sam
Jones (NC)
Matsui
Sanders
Skelton
Smith (MI)
Smith (WA)
Stark
Taylor (NC)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2148

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–176) on the resolution (H. Res. 295) providing for consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the 5 minutes of the gentleman from New York (Mr. HINCHEY).

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

There was no objection.

PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 2003 promises to be the third straight year of double-digit premium increases in health insurance. Guess what else is increasing at double-digit rates? Drug industry profits. In 2001 while the rest of the Nation was reeling from a plummeting economy, the drug industry boosted their profits by 33 percent. In 2002, profits registered by the 10 drug companies on the Fortune 500 list were equal to more than half the $70 billion in profits netted by the entire roster of Fortune 500 companies. The top 10 drug companies raked in profits 5½ times greater than the median for all industries. Over the last 20 years, the drug industry has been the most profitable industry in America.

Return on investment, return on sales, return on equity, any way you measure it for the last 20 years, the drug industry has been the most profitable industry in America. And the drug industry has paid lower tax rates than any other industry in America. While the drug industry tells lawmakers that any limits on their profits will crimp innovation, they rarely acknowledge they spend more money on marketing their drugs than they do in research and development. They seldom mention, as I said, they pay the lowest tax rates of any industry in America; and

they seldom mention that the government and foundations do literally half of all their research and development that leads to new drugs. Families USA found that in 2001 the nine drug companies selling the most drugs to American seniors spent more money, in fact spent more than twice as much money on marketing and on administration than they did on research and development.

The Republican majority would like us to accept a Medicare drug plan that is administered by profit-driven insurance companies, profit-driven HMOs who will negotiate with profit-driven drug companies on behalf of our most vulnerable populations. It is not hard to see who is going to lose out in those negotiations, Mr. Speaker.

This Republican plan will not guarantee seniors access to fair-priced drugs, it will not guarantee seniors access to health care, but you can bet the Republican plan will guarantee sustained double-digit profit margins for the Nation's drug companies. Responding to the public outrage at astronomical drug prices, the brand-name drug industry says not to worry, prescription drugs actually save money by reducing health care costs. That is true if prescription drugs were more reasonably priced, but under the Republican bill they will not be. There is no doubt prescription medicines reduce disability and can prevent illnesses which helps alleviate the need for other health care services. Unfortunately, though, Mr. Speaker, prescription drugs are priced so outrageously high that the costs associated with their increased use far outstrips any offsetting savings that might accrue. They are so high priced that millions of seniors and other Americans simply cannot afford them. The choice too often is between heat and their prescription drugs in winter. The choice too often is between food and prescription drugs. Even a miracle cure is worthless if people who need it cannot afford it.

Skyrocketing drug costs are jeopardizing employer-sponsored health insurance, undercutting the financial security of seniors and absorbing an enormous and increasing share of limited Federal and State tax revenues devoted to health care. Something has to give.

The reason the drug industry has spent millions of dollars lobbying for the Republican Medicare bill is because the industry knows that scattering seniors into multiple private plans undercuts the purchasing power that Medicare would provide. They know that squashing efforts to consolidate the purchasing power put 40 million seniors into one purchasing pool to save money. They know that mixing them up into smaller numbers in a multitude of plans enables the drug companies to sustain outrageous drug prices. That is why the drug companies lobbied so hard for the Republican prescription drug plan.

The government negotiates price on everything else. When the Architect of the Capitol bought the carpet for this room, he did not take the manufacturer's word that a fair price would impair his fiber research. When the National Park Service buys park rangers' uniforms, he does not take the first bid that comes in.

But not with prescription drugs. On prescription drugs, Republicans insist that the government take whatever price the drugmakers want to charge. If you want to talk about an incentive, that is an incentive. It is an incentive to turn the screws on American businesses who cannot afford the price of prescription drugs in their health plans, to turn the screws on American families and seniors who cannot afford the price of prescription drugs, and to turn the screws on government because taxpayers cannot afford the outrageous cost of these prescription drugs.

I do not lose sleep, Mr. Speaker, over sustaining double-digit profit margins for the drug industry. I am concerned, however, at the millions of Americans who are shouldering the burden for these double-digit profit margins at the expense of their health. The average Medicare beneficiary earns $14,000 a year. Many of the prescription drugs seniors use cost about $100 per prescription per month. Mr. Speaker, the Republican plan written by the drug companies does not make sense for American seniors. I ask my colleagues to vote for the Dingell-Rangel substitute which will provide drug coverage and will ratchet down prices so Americans no longer pay higher prices than any other country in the world for prescription drugs that are manufactured right here in the United States.

□ 2200

The SPEAKER pro tempore (Mr. GARRETT). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to utilize the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas (Mr. MORAN)?

There was no objection.

TRIBUTE TO THE KANSAS WHEAT HARVEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, in Kansas today the combines and harvest crews are rolling through day 13 of the 2003 wheat harvest. Farm trucks and semi-trailers crowd the highways and gravel roads bringing Kansas's most celebrated crop from the fields to the grain bins and local elevators.

After a few days of rain, harvest is now in full throttle in the southern half of the largest wheat producing State. And with just under 20 percent of the harvest in, there is some good news to report. The yields are good and the landscape is of golden waves of grain, a welcomed change from the scenery of a year ago.

Two thousand and two was one of the worst years that farmers in Kansas ever faced. Because of severe drought wheat yields were poor, many families had net incomes of zero and farm equities plunged, the trickle down effect of the hard hit causing cash-flow problems for rural businesses and closing down stores on main streets in many small towns across our State.

But after consecutive years of natural disaster, Kansans can finally be cautiously optimistic this year. The harvest reports from producers are more positive and even a little upbeat this year, and the cause for that improvement can best be described in one word, rain. Thanks to the spring rains, many producers are getting their first wheat crop in 3 to 4 years. By the time this harvest is completed the first part of July almost 10 million acres of wheat will have been cut, the largest acreage harvested in our State in the last 5 years.

Behind the numbers of wheat harvest, bushels per acre, test weights, yields, are stories of real people who make farming their way of life. Harvest is a family affair. Although the methods of harvest are constantly changing thanks to new technology, the work ethic passed down from generation to generation still exists. Fathers, sons, grandfathers, brothers work side by side from dawn to sunset. A story in yesterday's Salina Journal paints the typical picture in a profile of the Anderson family from McPherson County. Wheat producer Tim Anderson is on the combine harvesting a field near Roxbury, Kansas. His father, Bill Anderson, is on another combine, and the third is manned by Tim's son Scott, age 17. Younger son Shawn is in a tractor nearby pulling the grain cart. Meanwhile Tim's wife, Renee, arrives in the field in a farm truck bringing lunch to the family. Harvest is a team effort.

In addition to being a family affair, the annual wheat harvest is a trademark claimed by our entire State, and we have been growing wheat there in Kansas since before Kansas became known as ''The Wheat State.'' Kansas's farmers produce more wheat than any other State, 20 percent of the Nation's total production, and Kansas ranks first in our Nation in flour milling, wheat gluten production and wheat stored. Kansas really is the ''Breadbasket of the World.''

Wheat harvest is a tradition, a legacy, and our livelihood, and as goes the wheat crop, so goes the Kansas economy. A good wheat harvest is the leading contributor to our State's revenue, about $1 billion annually.

So Mr. Speaker, as the combines roll northward and the harvest continues, it is good for all of us to take a few moments to recognize the lessons of the wheat field, to remember that there is satisfaction in making the right decisions and putting in the hard work to produce a bumper crop but ultimately mother nature has the final say in whether or not the yield is bountiful. That cautious optimism is the hallmark of every farmer who puts the seed in the ground hoping for a good harvest months later, and there are few things in life more rewarding than working with family side by side to complete the job of the wheat harvest. Wheat harvest is important to the Kansas economy but even more important as a way of life.

Kansans have been saying their prayers throughout the years of drought for rain and snowfall. Those prayers have been answered. Now we pray for abundant crops, good prices, and a safe harvest. Once again the old hymn reminds us: God our Maker doth provide.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise tonight to talk about port security and the critical importance that increased funding for port security would have for my region of Long Beach and Los Angeles and to the American people.

Mr. Speaker, last night I appeared before the Committee on Rules about an amendment that would provide funding for container security and port security. Regrettably, this amendment was not made in order. If my amendment had been made in order, this germane amendment would designate $20 million to establish a secure container and safe mobility pilot program. Further, this project would be carried out at the Nation's port with the highest volume of container traffic. This program would work in conjunction with existing city and local infrastructure in developing fast, efficient, effective and secure ways to move containers through the port complex and through surrounding cities and communities throughout the Nation.

We recognize that not all containers that come into our country are inspected. We must provide resources to port security initiatives that help us utilize our existing infrastructure while making sure that our communities that receive these containers are protected. A program like this will set the standard for similar communities around the Nation that provide the infrastructure that move our Nation's goods out of the Nation and keep our economy moving forward.

Long Beach and Los Angeles, our port complex, the largest in the country and the third largest in the world, receive 45 percent of the Nation's containers. These ports are a vital economic link to the rest of the Nation. Eighty percent of the goods that come into the country from the Pacific rim comes into our ports. If these ports in the communities that support this supply chain of goods movement were ever threatened or damaged, our economy would be stalled.

In October of 2002 our Nation witnessed firsthand what happened to our economy when our ports are not moving goods out of the country. The lockout that occurred at the western ports served as a grim reminder of just how interconnected and how dependent we are on one another in moving our Nation's goods. The lockout that occurred at the western ports cost the U.S. economy an estimated $1 billion a day.

We must provide support and precious resources to our ports to ensure that they are secure. In addition, we must provide security to the communities that are connected and support our ports. We cannot view port security as merely inside the gates. Ports are a part of our communities. The resources that we provide for port security also provide security for our Nation's communities.

Mr. Speaker, I would have offered this amendment, and I offer this statement for the RECORD.

THE RURAL VETERANS ACCESS TO CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a rural area, 64,000 square miles, 68 counties, and it goes without saying it is a long ways between towns. In an area like this, veterans ofttimes have a hard time accessing healthcare. Let me give a real example. Let us say a veteran lives in Ogalala, Nebraska, which is in the western part of the State but is by no means the most remote part of the State, and let us say that individual has to go to Omaha, Nebraska to a VA hospital which is 350 miles away, and he may just be going for a routine blood test, diabetes checkup, blood pressure checkup, or any type of simple checkup of that nature. Ofttimes when he makes an appointment, the appointment will not be fulfilled for 6 months. So he waits for 6 months, and that veteran at that time then gets up at 4 a.m. and leaves for North Platte, Nebraska, which is 50 miles away. After he gets to North Platte, he boards a van to go to Grand Island, Nebraska, where he spends the night and that is another 140 miles, and early the next day he gets on another van, goes to the VA hospital in Omaha, a 3-hour trip. He completes the test that day and then he returns to Grand Island for the night, and the next day he takes the van from Grand Island to North Platte, another 140 miles, and then he gets a ride to Ogalala, another 50 miles. So he has waited 6 months, he has had a 3-day trip to go 660 miles for routine tests. This is ridiculous.

Had the veteran driven his own car or had somebody drive his own car, he still would have had an 11-hour trip and it would have taken at least 2 days, if not 3.

Let me give an urban example. Let us say that someone, a veteran with the same health problem lived in Richmond, Virginia. It would be the same as if that individual from Richmond, Virginia drove to New York City and back for basic medical care. Those same tests that were performed in Omaha, Nebraska at the VA hospital could have been done at the local hospital in a matter of three or four blocks away or maybe a couple of minutes away from that veteran, and sometimes because of their age some of our World War II veterans are having a hard time traveling today, maybe a disability, maybe the weather, a blizzard or a snowstorm, and the veteran simply does not get the healthcare at all. He does not even try because he is not able to make the trip.

So that is why I have introduced H.R. 2973, the Rural Veterans Access to Care Act. H.R. 2973 would allow the VA to contract for care with local medical facilities. The only stipulation is that the veteran must travel at least 60 miles or more for the care. Some people say that only happens in Montana or North Dakota or South Dakota or Nebraska. And it is true. Those States would be hard hit. But there probably are hardly any States in the Union with the exception of maybe Rhode Island or Connecticut or someplace like that where we do not have at least some veterans who are somewhat isolated from VA hospitals and are having to go great lengths to get their medical care. H.R. 2973 would set aside 5 percent of the VA funding to contract with local medical facilities for veterans living in rural areas. By contracting with local clinics in remote areas, number one, medical care would be prompt, it would not be a four to five to six-month wait. Number two, veterans who have difficulty traveling would be served. They would not have to just simply give up on getting medical care. Number three, there will be no additional cost and might even cost

less. And number four, the local hospital or clinic, which is often struggling to survive in a small town, would receive added funds.

So I think this bill makes sense. I would urge my colleagues to support it.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise tonight to address the most important issue of Medicare reform. As a former nurse, I have spent much of my career working to ensure that our Nation's healthcare system provides a wide range of affordable services, and we as Members of Congress must be fiscally responsible when it comes to making decisions regarding our budget. Fiscal responsibility entails looking at the whole picture and seeing the effect it may have on all individuals in society. I will continue to work hard to ensure that those who have given to the system will receive their just rewards. This includes continuing to help those who would like to help themselves by providing a means for them to do just that. I will continue to favor programs such as welfare and Medicare that have this objective in mind, and I will oppose any legislation that provides tax cuts which do not benefit all of society.

In the year 2000 at my request the House Committee on Government Reform conducted research on prescription drug costs in the Dallas-Fortworth Metroplex. The results of this study were astounding. Seniors in my congressional district paid 122 percent more for prescription drugs than do members of managed care plans and Federal employees. Last Congress I was very disappointed when the House passed the Medicare Prescription Drug Benefit bill, H.R. 4954. This bill passed closely along party lines, did not entitle seniors to any particular drug benefit plan. Instead, this standard benefit is merely a suggestion for what private plans might offer. Unfortunately, we are poised to repeat history if we pass this Republican Medicare bill. I oppose the Republican Medicare bill because it does not ensure that citizens and people with disabilities get the long overdue Medicare prescription drug benefit that is available and affordable to all.

There are two essential changes that are needed for the Republican Medicare bill to become palatable. First, the bill must be amended to include a uniform, defined prescription drug benefit that is universally available through Medicare. Second, the bill must reject proposals to privatize the program. These two changes are critical. The Republican Medicare bill must provide a guaranteed drug benefit managed by Medicare. Beneficiaries in traditional Medicare cannot be disadvantaged should private plans be allowed to compete to provide Medicare benefits. Our proposed Democratic amendment would have added a stable, defined drug benefit in Medicare.

It is time that we acknowledge that there is an America that is waiting for relief. It is also time for us to acknowledge that the people deserve a little attention rather than the corporations and pharmaceutical companies getting all of the breaks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SIMMONS) is recognized for 5 minutes.

(Mr. SIMMONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MICHIGAN AFFIRMATIVE ACTION CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I would like to address the House and the United States of America with regard to the decision rendered by the Supreme Court that came down I believe it was yesterday in the case of Grutter v. Bollinger and Gratz v. Bollinger, University of Michigan undergraduate school and the University of Michigan School of Law. I went over to the Supreme Court. I believe that case was heard on April 19, and I was the only member of my conference to be there in that Supreme Court hearing room that day.

This Constitution means something to me. I have dealt with affirmative action. I am a contractor by trade. I have done so for 28 years. I have hired people of all different kinds of backgrounds and talents and ethnicities, and I have also done Federal contracts where I have run into a situation where there will be a certain situation quota or a goal assigned to me, and sometimes that is not available and we have had to drop contracts because we were not able to meet that requirement. So I paid real attention to this, and I think it is important that everyone have equal opportunity. That is what Martin Luther King asked for. That is what our Constitution calls for, and that is what we should provide by the laws that we promote here in this Congress and by the Supreme Court that meets over across the way.

□ 2215

I thought I went over there to hear a constitutional argument. In my naivete I expected that would be the bulk of the discussion that took place that day in that little over-2 hours of discussion. In fact, I heard very little constitutional argument. About two-thirds to three-quarters of the comments and questions that were directed by the Justices had to do with the result, not the constitutionality, not the language, the definition, or the intent of Congress; simply the result of a decision that they might make.

And an interesting thing: as I tried to find my way into the Supreme Court room, it was packed out front, and it looked like they let out the D.C. schools for the day to go demonstrate at the U.S. Supreme Court. They were carrying signs that said: ''Support equality, defend affirmative action.''

Well, Mr. Speaker, I did not take a logic class, but those two things do not connect for me, and I do not think they connect for most Americans. We are either going to have equality or we are not going to have equality; but a preferential treatment program, by definition, is contrary to equality. And that is what affirmative action is, and that is what the case was there to be heard for.

So I went to the oral arguments in those cases, and I am profoundly disappointed that the Supreme Court did not outlaw racial preferences in their decision in the Grutter and the Gratz cases, and in the lack of focus on constitutional arguments.

As I left there, and I talked to attorneys about this, me not being one, and I told them that I was astonished that the Justices in the Supreme Court did not focus their arguments on the Constitution. They told me they were focusing their questions and their comments on Justice O'Connor, because well, all right, that is another issue then, and she has written the majority opinion. Apparently, they were focusing on her for the right reason. Apparently, she was not evaluating the Constitution, or we would have had an entirely different majority decision, certainly by the one that wrote the majority.

But I did hear one reference to the Constitution. I actually heard more than one, but the one that stands out in my mind was Justice Scalia's reference, when he asked the University of Michigan attorney, he said, If this court rules against you and it results in one minority in the School of Law, 100 percent minorities are no minorities, what possible constitutional difference can that make? And my colleagues can check the record, Mr. Speaker. I do not think they will see that there is a logical answer to that. So we ended up with the decision that we got.

Now, the Court got it right when they struck down the point system by the University of Michigan's undergraduate programs. University admissions should be color blind. A student's race should never matter more than a 4.0, a perfect SAT score, or a flawless essay.

I am not a lawyer, but it does not take a lawyer to know that the Supreme Court missed the mark when they upheld the program at the University of Michigan Law School that relies on race and the law school admissions decision-making process. The race-based admissions policy violates Martin Luther King's call for a color-blind society. Admission should be determined based on criteria that reward excellence, not race. It is paternalistic for minority students to be given preferential treatment. All students should have the same opportunities to succeed, regardless of color.

I agree with Justice Thomas when he said of the majority opinion in the Grutter case, ''For the immediate future, however, the majority has placed its imprimatur on a practice that can only weaken the principle of equality embodied in the Declaration of Independence and the Equal Protection Clause.'' He then quoted the landmark case of Plessy v. Ferguson: ''Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.''

Justice Thomas hit the nail on the head when he wrote of the lack of principle in the majority opinion: ''I can only presume that the majority's failure to justify its decision by reference to any principle arises from the absence of any such principle.'' Justice Thomas, I agree. And I agree that the only principle in the majority opinion in Grutter was the principle of expediency to allow racial preferences. Certainly, constitutional principles were not involved. The Fourteenth amendment prohibits such race-based admissions decisions. Our Constitution is color-blind. Obviously, a majority of the Supreme Court is not.

SUPPORT THE FREE MARKET PRESCRIPTION DRUG BILL

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we are about to take up the prescription drug bill, and a group of Democrats and Republicans have come together on an amendment to the legislation that is the free market prescription drug bill. It has three components.

One is to bring generics to market so we can have competition between generics and name-brand drugs and force the prices down and make medications more affordable to more and more, not only of our elderly, but all consumers, and also help private businesses on their health care costs through their insurance policy.

The second provision allows consumers and also the government and also the private sector to buy prescription drugs in anywhere of the 27 countries, be they Great Britain, France, Germany, Canada, Italy, England. They allow it in Holland, where you can get competitive prices. Because today, in Germany, many of the name-brand drugs are 30, 40, 50 percent cheaper than they are here. And we can bring competition and the market forces to bear on the prices to make medications more affordable for our American consumers.

The third provision is that the taxpayers have been funding research through the National Institutes of Health. The truth is the NIH is one of the largest venture funds in the world. Yet American taxpayers get no return on their investment through the NIH. All the cancer drugs, all the AIDS drugs, a great deal of the blood thinner drugs and medications, and arthritis drugs were funded through government research.

In the private sector, many people who invest look for a 30 percent return on their investment. The taxpayer, through the government, gets no return on their investment. This legislation would call for a 10 percent return to the taxpayers for that research for all of the new medications the taxpayers have funded, and we could make the NIH and the FDA, Food and Drug Administration, self-funded in the future. In my view it would keep America in the forefront of new medication. We could bring medications down in price, and we could get real competition and make medications affordable.

What is really missing in this whole debate, in my view, is bringing the free market to play and to bear, and it would be successful. Unfortunately, the American taxpayer has been funding all the research and the only benefit we have gotten is that we pay the highest price. As we would say in Chicago, ''such a deal.''

Now, the truth is, in England, France, Canada, Germany, Italy, American-made pharmaceutical drugs are 30 to 40 to 50 percent cheaper in those countries than they are here at home. The American consumer, the American senior citizen, is the profit guinea pig for the pharmaceutical companies. For too long they have been gouging our seniors, using our elderly to make up their profit margins, while in Canada, in Germany, in France and in England they are getting cheaper prices. So it has a bipartisan approach around a commonsense set of principles to make medications, the drugs people need for their children, for themselves, or for their grandparents, more affordable, more accessible.

Now, why would it be that if we are about to go spend $400 billion over 10 years, why would we deny the government the ability, through the taxpayers, the ability to stretch that $400 billion to get more out of it? Nowhere else in the private sector would we do that. We are denying ourselves the right to use competition to bring down the price, to make medications more affordable to all of the folks, be they elderly or kids or families, so the family budget, the business budget, and the government's budget go cheaper.

I have confidence in the free market. I wish some of my colleagues here on the other side of the aisle would have as much confidence as we have in the free market. I do not know what they are all scared of. We would have generics competing against name-brand drugs, and we could pick based on price and quality. You would be able to buy drugs at the local pharmacy, or if you look on the Internet and find the same drug cheaper in Germany, you buy it there. If globalization is such a great thing, why do we not allow it to work for everybody, not just for a select few? Why let Germany get the advantages of cheaper medications made here in America by American companies funded by American taxpayers?

On the last account, allow our taxpayers to reap the benefits of their tax-funded research.

Mr. Speaker, in the private sector world, if you get less than 30 percent on your return, you know what you are called? Dumb money. I wonder how long we are going to treat the taxpayers as dumb money around here. This is taxpayer-funded research. Every drug related to cancer has been funded in part by taxpayer money; and the only thing we are guaranteed besides the medications, which we are not guaranteed, is to pay the highest price in the world for that medication. Yet people in Germany and England pay half that price.

I have full confidence, along with my colleagues on the other side and folks on this side of the aisle. We have come together on a common set of principles with a common set of values to ensure affordability and return for taxpayer rights on their investment.

I know the pharmaceutical companies do not want this bill because it would finally bring some real sensible principles like the free market to bear on the pharmaceutical industry and on the pricing of medication.

So I hope that we have the opportunity to offer this amendment and everybody can either start not just talking the talk, but start walking the walk when it comes to their views in espousing the free market.

REPUBLICAN PARTY PRINCIPLES OF LIMITED GOVERNMENT, ECONOMIC FREEDOM, AND INDIVIDUAL RESPONSIBILITY SHOULD PREVAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today out of some reluctance to take a position at variance with the leadership of my party. I do so, however, because I believe that the direction we are headed with this bill on prescription drugs is inconsistent with the Republican Party's principles of limited government, economic freedom, and individual responsibility.

I hope that my opposition to this bill does not imply my support for the

Democratic alternative. While we Republicans are surely headed off the fiscal cliff, the Democrats' plan would only get us there much faster.

This legislation is a prime example of the question debated in high school civics classes all over the country: Are we as Members of Congress sent to Washington to vote the wishes of our constituents or the demands of our conscience?

We have all read the polls. It is clear that seniors want a prescription drug benefit as part of a traditional Medicare. Further, seniors seem skittish when it comes to substantive Medicare reform. These findings are often cited by supporters of the legislation. Rarely cited, but certainly understood, is the fact that seniors vote in numbers disproportionate to their size of the electorate.

But as sitting Members of Congress, we are also aware that adding a new entitlement of this size is wholly unsustainable. Even without this new entitlement, Medicare will go bankrupt within the next couple of decades. The $400 billion, 10-year estimate for this add-on will almost certainly spiral out of control, just as Medicare's costs have ballooned far beyond original estimates.

So what are we to do? Do we vote as the polls tell us we should vote? After all, if it is what our constituents want, can we not simply vote ''aye'' and wash our hands of the matter?

We are not the first Congress to face such questions. More than 200 years ago, the delegates to the Constitutional Convention had a similar dilemma. Many in this new country wanted a governmental structure similar to the one that they were used to, rather than what was envisioned by the Founding Fathers.

George Washington's words to the Constitutional Convention should instruct us today: ''If, to please the people we offer what we ourselves disprove, how can we afterwards defend our work?''

George Washington understood what leadership is all about. It is not about riding the wave of public opinion, but in changing its course. It would have certainly been more comfortable for the Founding Fathers to go along with what they perceived to be the will of the people, rather than to persuade them that there was a better way. Many generations later, we are grateful for their leadership.

So here we are today. As Members of Congress, we know that adding a prescription drug benefit without reforming Medicare will only hasten its bankruptcy. By our own estimates, this plan will add about $7.8 trillion to Medicare's unfunded liability. Somehow, I doubt that generations to come who are saddled with this debt will be hailing us as leaders.

Knowing all of this, can we defend our work? No, Mr. Speaker, we simply cannot. I urge my colleagues to join me in voting ''no.''

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the ''Rubber Stamp Congress'' is about to go back in session. The President sent the word down from the White House: he wants a bill. We have not seen the bill. It has been put together in two different committees. We do not know what the Committee on Rules is going to put out here, but I can tell my colleagues two things about it. It is very clear from what went on in the Committee on Energy and Commerce and what went on in the Committee on Ways and Means that the bill that will be before us in the next couple of days is not going to satisfy what senior citizens really want.

The senior citizens want no privatization. They do not want Medicare to become totally a private insurance operation. They like the program run by the government. It has worked very well for many years; not perfect, but it has worked very well, and the idea that we are going to have a drug benefit and we are going to say, here is some money, we are putting it on the table here, and the drug companies are going to run in or the insurance companies are going to run in and figure out how to give a benefit is simply nonsense, and people know it.

□ 2230

They do not trust insurance companies. They have had the last couple of years dealing with the insurance companies around HMOs and they said, Why do we need more of that? How will we feel more safe if we know the insurance companies can come in one day and out the next and back in another day and another and out, in and out? We will not have any benefit.

They want a guaranteed Medicare benefit that they do not have to join a private program to get. They can get it through the government and it is just that simple. That is why they have rejected all these private HMOs, all of that stuff and have stayed in the basic Medicare program. It is partly because the way the insurance companies have treated them.

Insurance companies went out and promised benefits all over the place. They promised drug benefits and everything else. People joined and 6 months later they pulled out and left them hanging. So they expect the very same thing to happen with this drug benefit.

If this were something the insurance companies wanted to do, believe me they would have done it a long time ago but they do not want to do it. So it has got to be in the regular Medicare program. It cannot be privatized. And it has to have a guaranteed benefit.

You can say to people, well, here is $100 a month. Go out and see what kind of plan you get offered because you are not guaranteed anything in that. In some parts of the country it might buy more than it buys in another part of the country. But everybody will have the same amount to go out and try and buy with, so how is that going to work?

Why should it make a difference if you live in Tennessee or you live in Oklahoma or you live in Vermont or you live in Washington State or you live in Illinois? Why should you not be able to have this same plan no matter where you are in this country? Suppose you want to leave San Francisco and go and live with your children in Kansas City? Suddenly you have got to change plans. All of these are issues that come when you put it in the hands of a private insurance company.

Now, the second thing people want is to control the costs of medication. I live up in the Northwest. I live up in Seattle. Every day people get in their cars, drive across the border into Canada, and buy drugs at markedly reduced prices. Now, that went on for a long time and now there are organizations that will allow you to fill your prescriptions from Canada without ever leaving your home in the United States. Thousands and thousands of people are filling their prescriptions in Vermont and New Hampshire and Maine and New York and Michigan and Minnesota. All the States along the northern tier are doing that and it is going down in other States in the country.

Now, you ask yourself, why are drug costs lower in Canada? I mean, what is it about the Canadians that they are better negotiators or what have they done? They did one simple thing. They said you cannot charge a Canadian, they put this in law, you cannot charge a Canadian more than the average of the G–7 countries. Now, what are the G–7 countries? France, Britain, Germany, United States, Canada, Japan, and I think Italy is the other one. You take all those countries, add the price together on a drug and the average price is what Canadians pay.

All it would take for us to save all that traffic to Canada is to pass a law here that grants us the average price of the G–7 countries. This bill will not have it. It is a bad bill. And you should look very carefully at what you pay and what you do not get.

DO NOT PRIVATIZE MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, there are two things wrong with the Republican prescription drug bill. Perhaps more than just two but two I wanted to talk about this evening.

The first is this bill would privatize the program. It would privatize the prescription drug benefit and it would privatize Medicare itself. The second thing wrong with the Republican prescription drug bill is that it would actually forbid, prohibit, any negotiation

by the government with pharmaceutical companies to bring down the cost of the drugs.

Now, let me address the first question. Privatization of this proposed drug benefit is a very bad thing. It would, instead of establishing a drug benefit in Medicare, a guaranteed benefit set by the government, responsible to the Congress as all of the rest of Medicare has been situated and constituted for the past 40 some years, the Republican plan would set up a prescription drug plan through private insurance companies and HMOs.

Now, those companies have a pretty bad track record in terms of delivering the same product year after year at the same price. In fact, they do not. And in the Medicare+Choice program, at least in the Philadelphia area that I represent, the private HMOs have been increasing the costs of Medicare+Choice, taking away the benefit, making a program that they offered a very elaborate benefit at a relatively low cost and taking away those benefits and increasing the costs.

The same thing would happen if we set up a prescription drug program through a privatized insurance based system.

The second thing wrong with this privatization is after 10 years they will privatize Medicare itself through this voucher concept that would have vouchers made available in a particular area based upon all of the bidding done by private companies and HMOs as well as Medicare. And that balanced figure, that blended figure would be the voucher provided for an individual to purchase Medicare. And what would happen is the companies would undercut Medicare, they would attract younger seniors and healthier seniors, they would be allowed, therefore, to save money because they would not be paying as many bills, and each year in each cycle of bidding those private companies would be able to drop their premiums lower than what Medicare would have to charge. Medicare would be stuck with older seniors and sicker seniors and it would be the end of Medicare as we know it. That is what this is going to be achieved if we allow the privatization of Medicare in this bill.

The second major problem is the prohibition on negotiating with the drug companies for lower prices. I do not get it. I do not understand it. What is the point of setting up a Medicare based prescription drug plan if we do not use the Federal Government's bargaining power to negotiate with the large pharmaceutical companies for a lower price? That is the whole point. That is why other countries that have large bargaining units negotiating with the pharmaceutical companies have much lower prices than we do.

The Committee on Government Reform under the ranking member, the gentleman from California (Mr. WAXMAN), just did a study in my district. The seniors in the 13th Congressional District of Pennsylvania benefit paid twice as much for their drugs as seniors pay for the very same drugs on average in Canada, England, France, Germany and Italy, twice as much because those countries have a combination of bargaining power that they use to negotiate with the drug companies for lower prices.

This Republican bill prohibits such negotiation by the Secretary of HHS with the drug companies. That is nonsensical and that alone is a good reason to vote no. Those are two reasons. There are many more. We should defeat this bill. Pass the substitute proposed by the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL) and give seniors a real prescription drug program.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SIMMONS) is recognized for 5 minutes.

(Mr. SIMMONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

(Mr. SHUSTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO THE 302(A) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEAR 2004

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The authority to make these adjustments is derived from Section 404 of H. Con. Res. 95 (H. Rept. 108–71).

As reported, H.R. 2555, the Homeland Security appropriations bill for fiscal year 2004, provides new budget authority of $890,000,000 for medical countermeasures against biological terror attacks. That appropriation would be authorized under a bill (H.R. 2122) that has been reported to the House by the Committees on Energy and Commerce and Government Reform. Section 404 of the budget resolution permits the Chairman of the Budget Committee to increase the allocation to the House committee that provides such budget authority pursuant to a reported authorization bill in an amount not to exceed $890,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom.

While I am concerned that the reported bill provides an advance appropriation for fiscal year 2005 of $2.528 billion that, if enacted, could be limited next year to achieve budgetary savings for the fiscal year 2005 appropriations bill, I will exercise my discretion under the budget resolution and increase the fiscal year 2004 allocation to the House Committee on Appropriations since the requirements of Section 404 of the budget resolution have been met. I therefore increase the fiscal year 2004 302(a) allocation to the House Committee on Appropriations by $890,000,000 in new budget authority and $258,000,000 in outlays, making the allocation to that Committee $785,565,000,000 in budget authority and $861,342,000,000 in outlays.

Questions may be directed to Dan Kowalski at 67270.

MEDICARE BILL WILL HARM CANCER PATIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, the Medicare bill that we will vote on this week is a bad bill. It undercuts this critical program that has been provided health care to millions of seniors. It provides spotty coverage that will not help these seniors with their expensive medications. And it reneges on a promise that we have made to America's seniors by ending Medicare as we have known it. But I want to talk about a particularly objectionable provision in this bill that has not gotten much attention. The part that cuts funding for cancer care.

The Medicare bill is supposed to make it easier for patients to get health care, but it will actually make it harder for cancer patients to get the care they need. Cancer is a scourge that has touched nearly every person and family in this country. Cancer patients and their loved ones have a very strong loyalty to the medical professionals, this whole team of oncology care givers who deliver what is so often brutal treatment. This is especially true of the often unsung heros of quality cancer care, oncology nurses.

As a nurse and someone who lost a daughter to cancer, I have seen firsthand essential contributions made by these amazing men and women who monitor and support, deftly guide the delicate treatment regimen. But the House Medicare bill has a provision that will cut half a billion dollars from cancer care in America.

Anyone who thinks you can take this much money away from cancer care and not endanger the quality is fooling themselves. The bill does correct an overpayment for oncology drugs that goes on today. Medicare's system of paying for cancer drugs charges cancer payment and the government too much and doctors too much. There is no disagreement on that or on that it needs to be fixed. But while we have paid too much for cancer drugs, Medicare drastically underpays the oncology practice costs. The oncology community has been using this overpayment for medications as a way to make up for the underpayment in oncology services. And we should fix this overpayment for medications because the patients should not be overcharged for their medications. Of course, Medicare and taxpayers should not be overcharged either. But we also have to make sure oncologists are paid properly for their services.

Cancer care has changed a great deal since the creation of Medicare. In fact, most of cancer care has been developed since Medicare was created, moving out of the hospital and into doctors offices and clinics where having oncology nurses and support staff are even more important. They are the frontline providers of cancer care, managing therapies and side effects, helping to keep seniors out of the hospital, saving the Medicare program money, providing counseling to patients and their families and conducting clinical trials and research to improve and advance cancer treatment.

Yet, while patients value this high-quality hands-on loving care, Medicare dramatically undervalues and underpays the cancer care given by these nurses, pharmacists, social workers, and lab technicians who are part of the multidisciplinary cancer team.

Without adequate resources, the reality is that physicians will be unable to sustain the provisions of quality care and will reduce their practices or close them entirely. The first services to be let go will be oncology nurses. In addition to cutting funds from cancer care, the new payment system in this bill will make many cancer patients, 60 percent of the seniors on Medicare, go to the oncologists twice as often, frail, sick seniors doing this. It will actually cause cancer patients to pay more out of pocket costs and wait longer for treatment, increasing their health risks. It is so wrong.

The gentleman from Georgia (Mr. NORWOOD) and I joined with the cancer community to craft legislation to resolve inequities in the cancer care system and address concerns about the overpayment for oncology drugs. And we work hard during the recent markup to try to correct the Medicare bills flawed cancer provision.

Our proposal offers a more accurate payment for oncology drugs and would direct Medicare to establish new payments amounts for physician services related to the treatment of cancer patients, including the added work performed before and after patient visits and consultations. It is so essential. It recognizes the true cost of providing cancer care.

We will all go home after we pass this Medicare bill, and we will have to face our constituents. I, for one, do not want to tell the cancer patients in my district that Congress has decided to curtail their treatment and endanger their care. I hope no one here will.

Just listen to what the cancer community is saying about the House and Senate bills. Ellen Stovall of the National Coalition of Cancer Survivorship says, ''Instead of expanding access to life saving drugs, these bills limit access to cancer treatments for some of the most seriously ill Medicare beneficiaries.''

Susan Braun of the Susan G. Komen Breast Cancer Foundation says, ''The millions of cancer patients in this country who rely upon Medicare need to know that their access to care will be severely disrupted if these bills go through.''

□ 2245

They are going to hold us accountable, and they should.

Mr. Speaker, I hope that all my colleagues will join me in fixing these unfair and shortsighted provisions of this Medicare bill.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WEXLER) is recognized for 5 minutes.

(Mr. WEXLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BALLANCE) is recognized for 5 minutes.

(Mr. BALLANCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

(Mr. SANDLIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TIME IS NOW FOR REAL, MEANINGFUL, AFFORDABLE MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, the elderly and disabled have waited long enough for a prescription drug benefit in Medicare and for relief from the high cost of prescription drug prices. While the Republicans have been busy voting on permanent tax cuts, seniors throughout the country have been waiting for Congress to take action on prescription drugs. All seniors need relief from prescription drug prices, and they need it now.

However, the Republican prescription drug bill completely fails the test of a real Medicare drug benefit. The Republican bill has no guaranteed minimum benefit, no guaranteed, affordable monthly premium, and no guarantee of fair drug prices. To add insult to injury, their bill leaves a huge coverage gap. Seniors who need more than $2,000 worth of drugs must pay one hundred percent out-of-pocket, and keeping paying premiums, until they reach the $3,500 out-of-pocket cap.

Mr. Speaker, the Democrats have an alternative we hope to offer. Under the Democratic plan, seniors and individuals with disabilities will be able to keep making the choices that matter to them. Seniors won't be forced to join an HMO. They won't have to join a private insurance plan that will restrict their access to needed drugs, deny coverage for the medicine their doctors prescribe, or force them to change pharmacies. And unlike the Republican plan, our plan has no gap—beneficiaries will always have coverage.

Mr. Speaker, the time is now for a real, meaningful, and affordable Medicare prescription drug benefit. Unfortunately, it looks like this Republican-led House won't be providing one anytime soon.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

(Mr. ROSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Alabama addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

(Mr. THOMPSON of Mississippi addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

(Mr. TURNER of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. TANNER) is recognized for 5 minutes.

(Mr. TANNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

(Mr. STENHOLM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IMPACT OF PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Arkansas (Mr. BERRY) is recognized for half the time until midnight as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, we are here this evening to talk about the impact of this very cynical prescription drug bill that is proposed by the majority side and what would happen if that bill, were we so unfortunate as a Nation as to have that bill enacted into law and put upon our senior citizens.

We are indeed pleased that the gentleman from North Carolina (Mr. BALLANCE) is here with us, and at this time I would like to yield the floor to him and let him make whatever comments he sees fitting in regard to this particular issue; and we thank the gentleman from North Carolina.

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

Mr. BALLANCE. Mr. Speaker, I want to say at the outset that it is an honor for me to be standing in these hallowed halls as we address issues of such great import to the people of this country.

A little more than a year ago, I campaigned in rural eastern North Carolina. I spoke to citizens at AARP meetings, at senior centers, at residences and elsewhere; and like most of my colleagues in this 108th Congress, I made a solemn promise that I would support and vote for a prescription drug benefit program. Each of us, I believe, most of us I know, made that promise to our constituents; and I, and I hope most of my colleagues, will keep that promise. I know that I will keep mine, and I will not vote for a plan that simply has the label on it.

The plan that the Republican leadership of this Chamber has proposed would not benefit our seniors in the way that they need and deserve. It is not a real prescription drug plan. It is what I would call an empty promise.

Mexico, Canada, Germany, England and France, what do all these countries have in common? Their seniors all pay lower prices for the exact same prescription drug medication that American seniors today cannot afford. One month's supply of Zocor, a prescription commonly taken by seniors to lower their cholesterol, costs $124 in the United States. In Europe, the same medication costs $28. The antidepressant Prozac, also widely prescribed throughout America, costs nearly $100 for just 20 pills. In Canada, those same 20 pills cost $20.

Throughout America, seniors have for years been forced to choose between food on the table and medication, stories that we have heard about cutting pills in half or going without. Hardest hit are seniors and disabled of rural America, such as those in Arkansas and in North Carolina, the area that I represent.

We have three plans before this Congress: the House Republican measure that focuses on nothing less than the absolute dismantling of Medicare as we know it; a Senate bipartisan measure that is somewhat better, although still falls far short; and we have a Democratic plan that is affordable, it is available, guaranteed and will maintain Medicare. Our plan has no gap in coverage, no doughnut hole, does not depend on the whims of HMOs or private insurance companies. However, we all know full well that, because it is a real plan, it probably will never see the light of day.

Hopefully, however, the Democratic plan will force the Republican leadership to reconsider their devastating proposal and treat our seniors fair. So tonight we focus on the reality of how House Republican leadership efforts hurt seniors in rural America, disenfranchise, dismantle and ultimately devastate.

That is what we can expect in eastern North Carolina if the House GOP has its way with this prescription drug coverage. That plan will privatize the prescription drug benefits by relying heavily on HMOs to facilitate these programs.

Anyone who lives in rural America, such as eastern North Carolina, already knows the health crisis facing families and seniors, as big HMOs have abandoned them and consider them unprofitable.

I am going to close because I think we know what we are facing. We know what we must do. We must fight to ensure that even hard-to-reach rural communities are included equally and with real results in a much-needed drug coverage plan; and we, Mr. Speaker, must keep our solemn promise.

Mr. BERRY. Mr. Speaker, I thank the gentleman from North Carolina for his comments, and appreciate his leadership in this matter that is so critical to the senior citizens of this country and the tremendous impact it will have not only on our seniors but on all Americans because when the government makes it possible for one person or group of persons like the prescription drug manufacturers of this country, when the government makes it legal for them to rob and to steal from senior citizens, when the government allows that to go on day after day after day, it is our job to speak out. It is our job as best we possibly can to do something about it.

It is an interesting thing, every speaker that talks about this refers to the fact that the United States of America and American citizens pay three to four times as much for their medicines as any other nation in the world, and yet the President of the United States has within his power the ability to change that with the spoken word. All he has to do is tell the Secretary of Health and Human Services, Mr. THOMPSON, certify that we can put a stop to this, certify that we can safely reimport medicine and let our people be treated fairly, but the President refuses to do this.

So it is left up to us, once again, to attempt legislation that will make it possible for the senior citizens of this country to be treated fairly. How can we deny the pain and suffering that this policy, that this country has put in place, causes to our senior citizens and to their families? How can we continue to let that go on? Yet when a remedy is proposed, in this cynical way that we will be presented with before the end of this week, I think it is called the Thomas-Tauzin bill or the Tauzin-Thomas bill, but we cannot devise a more cynical attempt to trick the American people and the senior citizens of this country.

That bill, if we would be so unfortunate to see it enacted, specifically prohibits the government from trying to achieve the best possible price for our citizens. It specifically makes it possible for the drug companies to continue to rob the senior citizens.

It would privatize Medicare. Medicare came into being because private insurance did not want to insure people that were older and sicker, and yet now we are going to turn this back to the insurance companies. If anyone thinks that that is a good idea, I would suggest that they go out and try to buy some health insurance from a private company for a 65-year-old citizen.

It will end Medicare as we know it. One of the authors of this bill came before the Blue Dog Coalition this afternoon, very proud of his work. It was interesting as he sat there and described this; and he said, I have softened this part of the bill; instead of just ending Medicare as we know it in 2010, we are going to phase that, ending in over 3 or 4 years. So it just will not be quite as noticeable.

I could not help but think as I was listening to that about my brother when we were young boys. He had worked hard one summer and saved his money, and he wanted to buy himself a shotgun for hunting season. He went to town and went to the hardware store, and he asked this fellow how much will you take for a certain shotgun. The proprietor said, well, I do not have one; but if I did, I would sell it to you for $100. So since the fellow did not have one, he went on around the square, and he came to another hardware store and went in there and asked him if he had that gun. He said, yes, I do. He said, well, how much will you take for it? He said, I will take a $110. He said, well, the other fellow on the other side of the square said he would take $100 for his, but he did not have one. He said, well, if I did not have one, I would take $100 for mine.

That is the way this deal works. It does not even go into effect for 2 years, 2006. Our seniors have an urgent need today. We have the ability to provide relief today; and yet we are going to be presented with this cynical, horrible piece of legislation that is nothing more than an attempt to trick our senior citizens in desperate need into doing something that will make their desperation even worse.

What kind of a legislative body would do something like that? This is absolutely amazing that the leaders of the Republican Party in the House would be so cynical that they would be willing to attempt to take advantage of senior citizens who have already paid the price, done the work, lived by the rules, and built this great Nation into what it is today; and now they are going to be treated like this by those of us that inherited this wonderful place.

□ 2300

I am astounded that we have to come to this floor this evening and do everything we can to try to prevent such an outrageous act by the majority.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me first of all thank my colleague, the gentleman from Arkansas (Mr. BERRY), for being out here. It is 11 p.m. eastern time, and people might wonder what we are doing here this late. Well, we are talking about an issue that is important. We are talking about an issue when I go to a church on Sunday where people still confront me and ask me what we are doing about this issue. I know myself and we have the gentleman from Texas (Mr. SANDLIN) out here tonight to talk about an issue that continues to confront us, yet we continue to play games with the American people and with our seniors. That is not right. We need to make sure that we do the right thing.

Mr. Speaker, we know that our seniors are having difficulties. We know that the majority of them do not have the resources to pay for their prescriptions. We also know on the Republican side and on the Democratic side that the private sector, the insurance companies, cannot make a profit on our seniors when it comes to prescription drug coverage. We recognize that.

When this all first started, with LBJ, there is a little story that is told about this. When LBJ was trying to put Medicare together, the biggest obstacles were the insurance companies back then, and the doctors. He finally got the insurance companies there and he told them, look, I am going to do you a favor. You have been making a profit off of the young people and insuring them while they are healthy, and as soon as they get sick on you, you have been dumping them and dropping them off your insurance rolls. So we know that the companies were doing that then and they are still continuing to do that now. So when he got them in there he said, look, I will do you a favor. You keep taking those profits while they are healthy but allow us to establish Medicare so that we can take care of them in their later years when they become seniors and they need the assistance, and you can continue to make your profits.

And so now we have a situation where our seniors still reach that age where they need that assistance, where they need our help, where they need prescription drug coverage, and what angers me the most is that the drug companies are the ones that are making a profit off the ones who can least afford to pay for these prescriptions.

We talk about the fact that those same prescriptions are sold, Mr. Speaker, in Mexico and Canada, the same company, same brand, only cheaper. And why? Because they are sticking it to the Americans. And we have allowed that to happen. We have allowed that to continue to occur.

We talk about free trade but yet we do not allow our own Americans to cross the border into Mexico to buy prescriptions. Why not allow free trade from that perspective? It is only good for companies, but not for the average person to do that.

So we need to make sure that, number one, the bill has to be affordable for people. The senior has to be able to purchase it. I can attest to my colleagues that the majority of my district, with a median income of $23,000, $21,000, and especially my seniors, who if you live in rural Texas or rural America you do not have a pension because you did not work for a major corporation or the government, so you do not have a pension. All you have is Social Security. So you do not have extra money to buy additional coverage. And if you did, believe me, the insurance companies do not want that because of the fact that they are not going to make a profit off you. We know the data. We know the seniors sometimes need up to $2,900 per year. So if you need $2,900 per year, close to $3,000, they are not going to make a profit from you. We know that. Yet we are playing games and doing gimmicks.

But this President and this administration has to come up this coming year in November for reelection and they are going to have to tell us what they have done when it comes to prescription drug coverage. They will be asked what they have done. Because I recall the last 2 years, and I want to ask my constituents to remember this, because any Republican who had serious opposition the last time there were ads that came out. We had an ad for the gentleman from Texas (Mr. BONILLA) back home, and that ad said, ''Call Congressman BONILLA to thank him for the prescription drug coverage you received.'' Well, I am going to ask you right now: Have you received anything back home? No. It is a gimmick. It is all nothing but sarcasm. It angers me because they play games with the American people and they play games with our seniors.

So we have to make sure if we come up with a program that it is affordable. What the Republicans have is not affordable. Secondly, it has to be meaningful. It has to be real. It has to be guaranteed. We cannot afford to have these little gimmicks. The reality is that the bill that the Republicans have is meaningless. It is private insurers that can change the terms of the agreement.

We had the HMOs. I have rural counties. I had 13 counties, now I have 11 counties after redistricting, and those counties, wherever the HMOs and the managed organizations were not making profits, they did not cut the individuals, they cut the whole county. So we are not going to be able to have access in rural Texas, in rural America. So it is meaningless.

Finally, we also understand that we have to make sure that we guarantee our seniors the accessibility to these prescriptions. This is the most powerful country in the world. We have the capability and, yes, we have the best

health care system in the world. But what good does it do if it is not affordable; if it is not accessible; if it is just not there? Yet we do have the best health care system. It is ridiculous for us to be doing this, and it is unfair to our seniors to be playing games with their lives, especially as they reach their twilight years when they need this the most and they have to sometimes go without buying all the prescriptions that are needed.

So, Mr. Speaker, I want to thank my colleague for being here tonight, and I thank the gentleman from Texas (Mr. SANDLIN) for being here and spending time talking about this critical issue. I want to personally just congratulate my colleagues and let them know that we have to keep this fight up. We have to keep talking about this, and we have to stop playing games.

When that Presidential race comes up again, we have to let everyone know what he has done for prescription drug coverage. The Republicans have control of the Presidency, they have control of the Senate, they have control of the House. What are they doing? They are playing games. This is not the time to do that.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas and appreciate his passion and concern for all senior citizens in this country.

This bill would not only end Medicare as we know it, but, interestingly enough, it does not have a defined benefit. It does not have a defined premium. It turns this business over to insurance companies that have a very poor record of being able to deliver service when it is called on to do that.

We have been fighting the Patient's Bill of Rights battle in this House all the time that I have been here. We still do not have a Patient's Bill of Rights. But the pressure got to be so great on the insurance companies that they did stop the grossest abuses that they have engaged in to deny coverage and deny service to our American people. They would be allowed to define their own benefit. They would be allowed to set their own premium. They would be able to create many, many different plans, and it would be nearly impossible for a senior citizen to tell the difference.

I have to believe, Mr. Speaker, that our Founding Fathers would be saddened and sickened to see the great Nation that they brought in to being, that has succeeded and prospered beyond all imagination, to the point where we have the ability to do these wonderful things for our seniors, and yet when the opportunity presents itself, the majority chooses to use that opportunity in a cynical way and in a way that only serves to enrich a few people in this country.

I want to now yield to the gentleman from Texas (Mr. SANDLIN), who has worked tirelessly on this issue to defend our senior citizens against such activities as would be used against them if this bill were to be passed.

□ 2310

Mr. SANDLIN. Mr. Speaker, I would like to thank the gentleman from Arkansas (Mr. BERRY) who is both a good personal friend of mine and a political friend of mine, and I want to thank him for 7 years of political leadership in addition to his practical leadership due to the fact that he is a pharmacist and speaks with a great deal of authority on these issues.

Mr. Speaker, in looking at this bill it is clear, it is the old bait and switch. I rise today to join the gentleman from Arkansas (Mr. BERRY) and my colleagues in speaking to the Republican House leadership abandonment of rural America by crafting a sham prescription drug benefit. Because at the end of the day, it is no plan at all. What a cruel joke on America's seniors.

As the United States Representative of rural east Texas, I am gratified to have an opportunity on the Committee on Ways and Means to be a voice for my constituents at home. The seniors in my district have told me clearly that they need real relief for their soaring medical expenses; and yet once again this year the majority leadership in Congress has rejected its responsibility to deliver a true prescription drug benefit to our parents and grandparents and friends at home. Just like last year, the Republican majority has delivered an alleged prescription drug plan which favors profits over people, insurance companies over seniors, HMOs over American families.

Today I want to talk about choices and who is choosing what. Our Republican colleagues in the House of Representatives love to say that they are giving our parents and grandparents and friends choices for their prescription drug benefit. Mr. Speaker, that is simply not true. They also have stated that if our seniors and disabled folks want prescription drug coverage, then they have to look to HMOs and private insurance companies, not Medicare for help. That is the choice they have, and what kind of choice is that? It is clear, it is absolutely no choice at all.

Now anyone who lives in rural areas knows that this little rule is anything but a choice. Rural areas have been flat out abandoned by private insurance companies. We know this, Medicare+Choice, the great managed care experiment in our Nation's seniors, should have been named ''Medicare Minus Choice.'' It has been a disaster.

Just look at the facts. Between 1998 and 2003, the number of Medicare+Choice plans dropped by more than half. In the great State of Texas, over 313,000 Medicare+Choice enrollees have been dropped just since 1999, 313,000 people in my State. Further, this is occurring all over the country. The 10 States, including the District of Columbia with the highest percentage of their enrollees dropped in any 1 year from 1998 to 2003 were South Dakota, the Mount Rushmore State, 99 percent; Delaware, the First State, 95 percent; Arkansas, the Land of Opportunity, 90 percent; New Hampshire, 85 percent; Maine, 82 percent; Maryland, 79 percent; Utah, 76 percent; District of Columbia, 71 percent; Kansas, 54 percent of the people dropped; Connecticut, 52 percent of the people dropped. It goes on and on.

Mr. Speaker, over 80 percent of rural Medicare beneficiaries today live in an area that private insurance companies have made a choice, that is the choice, they have made a choice not to serve. Now please note, this is not an entitlement program. This is not entitlement as we know it under Medicare. You have no guarantee. This is this kind of an entitlement, it is an entitlement to ask to be able to make an offer to purchase a plan from a reluctant, profit-seeking insurance company that may or may not accept your offer.

By the way, it is very important to note this: not a single insurance company in the United States of America has agreed to take part in this program. Let me say that again. Not one single insurance company in the United States of America has agreed to take part in this plan anywhere in America. That is a fact.

Furthermore, even if they do decide to participate at some time in the future because they think they can make big profits, under this latest Republican drug proposal, if the private drug plan or insurance company decides rural America is not lucrative enough for their company, they can withdraw every 12 months. So much for our seniors having the choice of continuity of care.

Knowing this, how can we approve a plan that does not even have a fallback option of traditional Medicare providing drug coverage if private care pulls out? How is that a fair choice for the 9.3 million seniors and disabled folks that live in America? What kind of choice is that?

Let us be clear, this legislation does not and this legislation cannot require insurance companies to offer prescription drug plans in rural America, and they will not. They have not and they will not. If we are going to talk about the choice of being fair, we are going to have to talk about prices. Under this bill, the HMOs and pharmaceutical companies are given the express choice, there is that word again, they are given the choice to determine how much to charge and what prescription drugs to offer seniors and the disabled.

Mr. Speaker, what do you think they are going to choose: high prices or low prices? More coverage or will they choose less coverage? Mr. Speaker, the answer is clear, it is profits over people. That is their choice.

Yesterday the President said, ''When the government determines which drugs are covered and which illnesses are treated, patients face delays and inflexible limits on coverage.'' Yet now he wants to turn over those very decisions to insurance companies who have a financial interest, who have a financial gain to make in denying coverage

to America's seniors. They make more money, the more seniors they deny, the more money they make and the circle goes on and on. That is not a good choice.

We have an opportunity to deliver a true prescription drug plan to our seniors this week, and to do so Congress must come together and choose to soundly reject this Republican albatross, this madness. If we shine a light on this, we can see the many problems with this sham prescription drug proposal. It does not provide a guaranteed, defined set of costs and benefits; it does nothing to reduce the high price Medicare beneficiaries are forced to pay for their prescription drugs. For seniors it is simply high on cost and low on benefits with a gap in coverage so large that our seniors would forget they have a drug benefit if they were not still writing a monthly check for the premium while they were not getting any benefits. Still paying a premium, not getting any coverage. That is not a nice choice.

Our Republican colleagues say we do not have enough money to give a better prescription drug benefit. Mr. Speaker, that, too, is just a bad choice they have made, to enact $1.7 trillion in tax cuts. While we are paying $1 billion a day in interest for the wealthy rather than serve our Nation's seniors is an outrageous and true reflection of their priorities. It shows you where their heart is. You can get lost in the details, but the result is clear. This is a terrible piece of legislation. Let us forget the gimmicks, it is time to deliver a real drug plan to our Nation's seniors. All they want is an affordable drug benefit with a reasonable premium cost that is defined and meaningful benefits, and that means a benefit without a $3,000 gap in coverage. They just want a benefit that is available to all seniors regardless of whether they live in Texas or California or New York City.

□ 2320

The Republican plan is just a shameless smoke and mirrors scheme. Let us reject this tired bait and switch scam. We know the end game, do we not? Everybody in here does. Former Republican Speaker of the House Newt Gingrich said Medicare should wither on the vine, and recently our Republican colleague in the other body, Senator SANTORUM, said traditional Medicare should be phased out. That is the goal. That is the object. That is the plan.

Let me read something I did not say, something the Republicans did not say, something the Democrats did not say. This is in Newsday June 23, 2003. ''The House proposal would replace Medicare's guaranteed coverage with a guarantee only that the elderly would get a sum of money to buy whatever kind of benefits at whatever price private insurers chose to offer. Those who want traditional fee for service Medicare would be forced to pay higher premiums. So at least now we know the drug plan, skimpy and fraught with uncertainties, is merely a cover for achieving former House Speaker Newt Gingrich's dream of forcing Medicare to wither on the vine.'' Newsday. That is the plan.

This ill-conceived and inadequate plan is not an attempt to provide drug coverage to seniors. It is an attempt to set up the very destruction of Medicare and place HMOs and insurance companies in the catbird seat. It is as simple as that. We all know that.

Now Congress has to make a choice. Seniors and healthcare, HMOs and profits, privatization or Medicare. Mr. Speaker, it is our choice to make. Whom do we stand for? Whom do we stand for in the United States Congress?

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas for his great leadership in this matter and continued willingness to do the battle on behalf of our senior citizens in this country.

I yield to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding, and I want to commend the gentleman from Arkansas for bringing this particularly important issue before us because this plan is a particularly cynical plan as far as it affects rural districts around America. People do not usually think of my Massachusetts district in the western and northwestern part of the State of Massachusetts as being a rural district, but it is in fact that.

Mr. Speaker, rural seniors like all seniors need help now paying for their prescription drugs. The Republican leadership's prescription drug plan leaves seniors waiting 3 years more for relief. But by 2006 when it finally goes into effect, this ingeniously devious legislation still will not give rural seniors a prescription drug benefit because there will not be a prescription drug plan available for them to access. The Republican leadership claims this plan will provide choice for all Medicare beneficiaries. The Republicans say that seniors all across the country including rural areas will have access to two different prescription drug plans, one, a private HMO health plan which includes prescription drugs, and, two, a prescription-only plan offered by a private insurance company but deliberately not a part of the Medicare that seniors trust.

Rural seniors know that private insurers are not going to offer such plans at an affordable price. The evidence is clear. The Medicare+Choice program shows how private HMO's role in Medicare has failed in rural areas. These Medicare HMOs have abandoned millions of Medicare recipients living in rural districts like mine all over this country. Currently four out of five seniors in rural areas have no access to an HMO managed care plan under Medicare leaving rural seniors with no choice. Why have HMOs abandoned the rural areas? It does not take an economist to figure that out. With the sparse populations in rural areas, these private HMOs could not turn a big enough profit; so they had no compelling reason to stay and provide services. Since Republican leadership knows rural seniors will not fall for promises of Medicare HMOs again, they have also provided the choice of a prescription-only benefit provided by private insurance companies while allowing seniors to stay in the Medicare that they do trust.

But this legislation makes a promise of insurance that does not currently exist and can never exist in any affordable form for the exact same reason that HMO insurance plans could not make a profit in rural areas. Prescription drug costs are exorbitantly high; yet the Republican leadership expects that private insurers will be eager to provide this prescription-only benefit to the segment of the population that uses the most prescription drugs but has the least available cost. There are no incentives for the insurance industry to provide this benefit.

In the end the high premiums and high costs will fall to seniors who will be left with the same exorbitant drug costs they currently pay. Worst of all, by the year 2010, the Republican leadership is determined to undermine Medicare and eliminate the fee for service program so Medicare can be exclusively run like an HMO. This will leave no choice whatsoever because rural seniors will have neither of the plans they have been promised.

The Republican leadership is placing the lives of our rural seniors in the hands of insurance companies that they do not and cannot trust, who have abandoned them in the past but in reality by 2006 the promises being made now to rural seniors to provide a prescription drug benefit and a Medicare HMO choice will never be kept. Rural seniors will have no choice. There will be no private insurance providers riding to the rescue, and rural Medicare beneficiaries will still pay the same exorbitant drug costs they now pay.

The Republican bill nullifies every promise to take care of our poorest and sickest seniors. It is a sham and a cruel hoax for rural America.

And I want to again thank the gentleman from Arkansas for his leadership in bringing this issue before the floor this evening.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Massachusetts and the gentleman from Texas.

Mr. Speaker, rural pharmacies are the only professional healthcare providers we have in many of our rural communities. If this bill were to become law, it would wipe out those institutions. It would make it impossible for them to stay in business because they would be forced to compete with a mail order operation that would be so full of gimmicks that it would be impossible. These mail order operations would be set up by the prescription

drug manufacturers with the cynical reason of taking the healthcare providers out of these communities. HMOs will have an incentive to put profits before patients. Headlines in the Wall Street Journal today documents a situation exactly like that where an insurance company or a pharmacy benefits manager chose to put profits before patients.

Let us not wipe out healthcare for senior citizens in rural America. Let us deny this bill and send it back until we can do what we know that we have the ability to do, and that is to provide to seniors citizens of this country with a reasonably priced prescription medicine program that will serve them well and serve this country well.

H.R. 2544, THE MEDICAL INDEPENDENCE, PRIVACY AND INNOVATION ACT OF 2003

The SPEAKER pro tempore (Mr. GARRETT). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, before my colleagues leave, let me just note that that quote from Newt Gingrich that was bandied around earlier, we have seen that quote used many times, and those of us who have been who have seen the full quote know that that quote was taken out of context and often Mr. Gingrich pointed that out as an example of the abuse of the public trust by presenting something that was totally misrepresented.

Mr. SANDLIN. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. No, I would not.

Mr. Speaker, I think I control the body. I have the floor.

Mr. SANDLIN. I am just asking if the gentleman would yield.

PARLIAMENTARY INQUIRY

Mr. SANDLIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman has not yielded for a parliamentary inquiry.

Mr. ROHRABACHER. I would ask that the gentleman be removed from the floor.

Mr. SANDLIN. Mr. Speaker, Parliamentary inquiry.

Mr. ROHRABACHER. Mr. Speaker, I am reclaiming my time. I would ask that the Sergeant at Arms remove the gentleman from the floor if he insists on taking my time.

Mr. SANDLIN. I do not want the gentleman's time.

Mr. ROHRABACHER. I would ask the Sergeant at Arms to remove him from the floor if he continues to interrupt.

The SPEAKER pro tempore. The gentleman from California has not yielded. The gentleman from California is recognized.

Mr. ROHRABACHER. Mr. Speaker, we have seen this misuse of this quote so often in this body, and I would just like to make sure that the public is aware when they hear it misused again that Mr. Gingrich has time and time again demonstrated that that quote was being misused by people who were trying to misrepresent what he said.

□ 2330

Mr. SANDLIN. Mr. Speaker, would the gentleman yield at this point?

Mr. ROHRABACHER. Mr. Speaker, I would be happy to yield.

Mr. SANDLIN. Mr. Speaker, I would just like to ask the gentleman, if that has been misquoted, I would like the gentleman, number one, to read the entire quote, because the gentleman will see that, in fact, he did say that it should wither on the vine; and possibly the gentleman could comment on Senator SANTORUM's comment that we should phase out traditional Medicare. I thank the gentleman for yielding.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman. Let me just note that this quote, as I have stated, has been refuted over and over again and demonstrated by Mr. Gingrich in many public forums that it was being used in a very irresponsible and dishonest manner.

I would just note now that I would like to discuss a different approach to medical independence and privacy and health insurance and the whole issue that we have been discussing tonight and will be discussing further in the next few days.

I have a piece of legislation that I would like people to consider and that I would like them to look at; it is H.R. 2544. It is a piece of legislation that I believe offers a whole new approach to medical care and health care in America.

Unfortunately, all too often, the discussion of medical reform legislation has been focusing on the allocation of more funds. Sometimes those funds would help in our society those who are lacking resources to purchase their own adequate health care and medical care; but at other times when we are talking about spending more funds, what we are not talking about is helping those who really need it and cannot provide for themselves, but what we are talking about is subsidizing everybody, whether or not they need it. Rarely does Congress, when they are focusing on just spending more money, whether or not someone needs that help, rarely do we focus on how can we do things more wisely and more efficiently, and how can we bring down the costs of getting health care that would make more people able to take care of themselves. Rarely does government focus on how to create an environment which would spur the supply of medical services, and rarely do we focus on encouraging cost-cutting innovation or to provide incentives for those who create and innovate and bring up new, cost-effective methods of dealing with illness in our society.

In essence, what government does, and what this body often does, is focus on medical care demand rather than on medical care supply. This focus all but guarantees the price of drugs and hospital care and medical treatment will continue to soar and outpace the ability of many Americans to afford the price of being healthy and; certainly, as it brings the price of health care up, it then creates even more Americans, a pool of even more Americans who cannot take care of their own health care costs. So it is a cycle that leaves even more Americans dependent on the government, and then the government creates a situation where even more Americans cannot take care of themselves.

The Federal Government took over responsibility for the health care of America's seniors back in 1965. When Medicare was first enacted into law back in 1965, very few people remember what it was like back then. But before then, our economically disadvantaged were taken care of by tax dollars. Yes, they were. But most Americans who became seniors were expected to take care of themselves. And we need to ask ourselves, what has happened to the price of health care since the government assumed responsibility of taking care of all Americans over a certain age? What has happened to our health care since the emergence of Medicare?

Today, I dare say the price of health care is so high that it is inconceivable that most of our seniors can take care of themselves. Before Medicare, people were expected, if they could, to take care of themselves. Medicare came in and decided to take care of everybody. Now, almost nobody is able to take care of themselves.

Of course, the massive escalation of health care prices have hit the rest of the population as well as our seniors. Now, the same can be expected, I might add, of the price of prescription drugs if, indeed, we end up having the government take over, providing prescription drugs for all seniors, whether or not those seniors can afford to take care of themselves. What will happen is the price of drugs will soar, not only for seniors who will be paid for by the government, but by everyone else as well, again, making it even more difficult for people, for American citizens, to take care of their own health needs.

Last week, I introduced a bill entitled the Medical Independence, Privacy, and Innovation Act of 2003. This legislation combines a creative mix of market-oriented reforms that will encourage independence and, hence, wise personal medical care choices. If enacted, this legislation will further expand the protection of our medical care privacy. It makes long overdue changes in the Federal Drug Administration procedures that will encourage innovation and invention of new pharmaceuticals and, thus, will have a major effect on bringing down the cost of health care. This legislation, if enacted, will expand the variety, quantity, and availability of medical innovation. It is innovation, new technology, and our creative genius that

will enable Americans to overcome the monumental challenge of providing health care to the baby boomer generation as this generation slips into its senior years. Today, the entire system of health care delivery needs to be reshaped if we are to prevent a collapse as the baby boomer generation begins to retire and to go on Medicare.

In my legislation, I propose a program of reforms based on sound economic principles that are vital to improving medical care in America. It assures that people make choices for themselves rather than accept bureaucratic or political mandates. Today, nonseniors, as with seniors, in fact, find that health care decisions are being taken out of their hands. So even our nonseniors now, much less our seniors, are finding that they do not control their own destiny. They do not make those health care decisions that are so important to their lives. What we have done to the nonseniors in America, while co-opting the decision of every senior in America by just suggesting no one will be taking care of themselves, even those who could, we have now taken over full responsibility and taken the decision out of their hands; but we are doing that, in a way, to the people before they become seniors.

What we have done is structured a system where the employer has become the primary source of a health care service through employer-based health insurance plans. That is a fact of life, and we just had to accept it. Well, unfortunately, it means so many resources and so much power has been co-opted that consumer sovereignty and responsibility has been all but negated. Most people really do not have a choice. It is what the boss offers. If the boss offers it, it is take it or leave it.

There is an old economic truth, by the way, and that is, if the cost of a private or public good approach is zero, that means if you are being offered something and there is no cost to you taking advantage of it, there will be overuse and a waste of that good.

Today's system leaves us with almost no personal choices, but it leaves us with a system that does not rely at all on personal responsibility. We have no choices, and there is no personal responsibility as part of the system. It leaves people, American citizens, with a sense of helplessness and hopelessness and resigned to whatever is going to happen to them that is totally inconsistent with our heritage as a free people.

□ 2340

We spend more and more money on health care. We spend, in fact, more money on health care supposedly than any other country of the world. So as you are listening to people debate the issue of Medicare and debate the issue of prescription drugs and debate the issues of health care in America, remember we already spend more money by far than any other country of the world.

Perhaps part of this is due to the fact that individual responsibility has all been extracted from the system because what it is is we spend more money but we do not have the best health care system in the world and our people are not getting what they pay for or what is being paid for in the United States of America. We have, as I say, all but extracted from our system the idea of individual responsibility and personal authority over one's destiny, not to mention, of course, the profiteering and exploitation of the system by lawyers.

Now, it is time to make a new approach and our system and my bill does not reflect on the exploitation of our system by lawyers. That is another bill. That is a whole different area. But those are obviously one group of people who siphon money out of the system that should be going to people's health care. It is time to take a new approach and, again, over and above the medical malpractice situation.

It is time to take a new approach and what we need, for example, in my legislation, I am proposing that we establish medical checking accounts that incorporate both deductions and credits into our system so that our people will be free to control their own destinies.

Many American families would benefit through the ideas that I am proposing in my legislation. They would benefit by being able to purchase high deductible catastrophic health insurance plans and pay for the year to year or day to day doctor, dentist and pharmaceutical costs out of a medical checking account.

I have sat in my office with self-employed constituents who would love to be able to design their own package of medical care coverage. This approach would protect their family against the huge costs of serious medical illness, of accidents or some type of illness or disease, but it would allow them to pay out of their pocket for normal month to month costs.

Now, imagine how the intelligently a consumer spending his money would help to limit overspending and overutilization of insurance coverage. Imagine in a society where individual families could shop around for medical insurance plans that suit their needs and not have to squeeze their lifestyles into their employer options. My bill would, for example, in the end and it would end the unfair discrimination against individuals who seek independent alternatives to their employer health insurance plans that are mandated in many big businesses or many normal businesses as well, I might add. It would naturally integrate market discipline through personal choice and responsibility into Medicare spending.

My plan creates a medical checking account plan where the account base of $4,000 per family or $2,000 for an individual is built with tax deductible dollars and the estimated yearly variable costs are built in with a $1,000 tax credit replenished on a yearly basis. Now, we are beginning to find out that once we have been relegated, as we are in our current system, to cogs in a machine, either big government or big business machine, that the rights of privacy are no longer paramount or even considered. My legislation would reestablish the principle that a person owns his own medical history and must consent before it is passed on to others.

The emergence of big government and big insurance as the dominant force in health care has eroded the ideas of medical privacy, if not totally just extinguished it. It is time to swing the pendulum back. My bill restores the issue of prior consent and protects the private relationship information relationship between patient and doctor. It eliminates loopholes in the current law that will result in unsolicited merchandising, disclosures of private medical information and the diminishing privacy for millions of Americans.

Americans have visited their local pharmacy and many millions of have visited the pharmacy in the past several months and have been asked to sign a new HIPAA notice. Do these Americans realize that what they are signing is a set of rules that undermines their right to disclose or not to disclose their private and personal medical history?

This country was at one time based on the principle that you owned your medical history and that your property is your property and without your concept that that information should not be placed in the hands of another, whether that person is in big government or private corporations. We need to go back to that principle. When big government starts taking the power, of course, to protect us from ourselves, and that is what they always say, they are trying to protect us from ourselves, not just protect the people who cannot help themselves but protect everybody. They are protecting us from ourselves, you better watch out.

The government can and is protecting us to death. Not from death. They are protecting us to death. Today, for example, FDA approval standards require new pharmaceuticals not just be safe, new pharmaceuticals coming on the market, the requirement is not that they be safe, they have to be nearly 100 percent effective for everyone. It is a 96 percent efficacy rate that is demanded by the Federal Government. That makes it dramatically longer more difficult and more costly for a new drug to get on the mark. By doing this we are condemning hundreds of thousands of people to needless suffering with these overly high standards, we create hurdles to development of new drugs urgently needed and we end up preventing the use of drugs that are already available to help people, but it might only help 75 percent of the people. But if it only helps 75 percent, that cannot go on the market because the rule is it has to be 96 percent effective.

No, this is not fair and it is not right. And it is no coincidence that families of victims of leukemia, cancer, AIDS and other diseases plead to no avail for the abilities to use drugs that were legally available throughout the world. I have sat if my office with constituents who have children with leukemia or siblings with AIDS or patients with cancer who beg for us to do something to allow them to have those pharmaceutical products that are available to people in other countries. Tragically at the same time, as new drugs are provided, or excuse me, are approved for both safety and efficacy, those drugs who do manage to jump all the hurdles and become effective for almost everybody, it ends up where the price is sky high and very few people can afford them.

Then there is the case, of course, where inventors often place on their shelves and innovators and researchers and developers and scientists, they put on their shelves unused and undeveloped many innovative potential technologies and products because they can not afford the exorbitant costs of passing all of these FDA efficacy tests and are making it absolutely prove that 96 percent of the people will be totally cured by this drug.

Well, that makes no sense if 85 percent of the people are going to be cured by a drug, and I have sat in my office with inventors who have told me horror stories of these new inventions that they have but they will not bring them out because they cannot jump over these FDA hurdles.

Well, why does the FDA regulation concerning, for example, drug cocktailing today block the availability of new innovation? Why are we so afraid of new innovation? That new invasion can be set on the standard of it does no harm. I am proposing that we have the standard of it does no harm rather than a 96 percent or 100 percent efficacy rate. That is, it seems to me that that is what we should leave in the hands of the American people, the right to choose drugs that will do them no harm and they should have a right to take them if they feel, especially with the doctor's prescription that they can take that drug and treat themselves even if only 85 percent are cured rather than 96 percent.

Today, websites, consumer interest groups, investigative reporting will make the people of our country, with the help of their doctors who can help them with prescriptions and give them advice, they help the American people fully able to make these choices that were not possibly available to them or maybe the American people could not do it in the past.

Another oddity in the current system that drives up the price of drugs, not just this 96 percent efficacy standard that is insisted upon, one thing that drives up the price for drugs for Americans is the way we deal with the ownership rights of inventors, of those very same inventors and innovators that develop new drugs and find new ways of treating people more efficiently and for less costs in the long run.

□ 2350

What we do, if an individual or a corporation invests tens of millions or hundreds of millions of dollars in developing a new health alternative, all too often it takes years for them to get through this FAA approval process and the other governmental restrictions, and by the time a new drug or health care technology can be sold to the American people, almost all of the ownership time that the innovator and the patent owner has has been used up. So you only have about 20 years or 17 years with a patent, and if it takes them 15 years to get through the process, the company has to immediately charge a huge amount of money for that drug in order to cover its cost of development, to get it back, and then, of course, the drug has been held up for all of these other years. So it has not been available to the public; and then, of course, when it gets on the market we end up putting the company in a situation where it has to charge even more money to recoup its investment.

My bill speeds up the process. It basically establishes that the patent clock does not start ticking against that company until the drug can be put on the market, until it is actually sold. Thus, new drugs, rather than waiting for 20 years or waiting for 15 years, can be put on the market sooner because people want to get this thing on the market because they have lowered those FDA restrictions and the company will make money over that time period.

My bill also makes sure that once that patent term runs out, unlike today, there are many legal maneuvers these companies can play in order to keep the generic drug manufacturers from coming in and producing their drug. We eliminate those maneuvers.

So what we have done is put a drug available on the market and in the hands of the American consumer earlier and cheaper, and then we make sure that the drug companies can make a profit, and we end up making sure that the generic manufacturers can jump in earlier without being deterred by legal maneuvers.

In the end, my bill gives the people more access, more time with the drug. It can cure more people. Hundreds of thousands of people, if not millions of people, will be available to be treated with a new, innovative approach, drug, or a new health technology if my legislation sets these new standards and we move forward with a system based on those standards, rather than protecting the people of the United States to death, which is precisely what we have been doing. When we hear the FDA say we are approving the drug today and it is going to save the lives of 10,000 people a year who are dying from this disease, and then you find out it is taking 10 years for the drug to get on the market, that FDA official has just admitted that they have been in the process of participating in the unnecessary death of 100,000 people. That is ridiculous.

As we expand the ability of our drug innovators to create and make available new drugs that will, under my legislation, be protected, they will be able to make a profit at what they are doing; and the public will actually have more choice in their hands, and what we need to know, by the way, on the other hand, if the taxpayers end up financing, and there are some drug companies, we have to admit, they get money from the government to try to develop new drugs, they are subsidized by the taxpayers in developing new drugs. My bill will say if a company does that, if a private company does that, they will be subject to price controls, meaning if Uncle Sam pays the price of research and development, Uncle Sam will tell you what is a reasonable price to have on that drug; and the consumers will be protected right off the bat, even though there will be a reasonable profit margin made as well, but my bill insists that the government then put a reasonable price on that drug if the taxpayers did pay for that research.

If a company pays for its own research and development, which we want to encourage more companies to do, they will not be limited by this type of price control.

By encouraging private investment, and whether it is in the development and research of drugs or in other types of health care technology, we will thus be increasing the supply of health care of those things in our society which treat people's illnesses. By increasing that supply, it should help bring down the cost and thus the price of health care to our people. More new drugs and more new technology that can help bring health to our people being introduced on the market, that means a healthier life and a more affordable healthy life for our people.

The medical reform bill I have introduced is a creative package of reforms. I urge all of the Members and fellow colleagues to study these proposals and to support this legislation. As health care costs are obviously going up and even ordinary Americans are struggling to pay the bill and many Americans, of course, cannot pay it all, it is imperative that we begin to seriously think about new approaches to health care.

If the only thing that comes to us while we are looking at the Medicare system and the problem of health care in America is just the only thing we come up with is spending more and more money, we are going to increase the demand for drugs in our society. For example, if all we are doing is taking now a financial situation where the people who can pay for their own health care and their own prescriptions do so and we end up having the government take over all of that, we are

going to end up not only dramatically increasing the price of drugs for the government but those people outside the government, younger people, the price of their drugs will dramatically go up.

No, we cannot just simply handle this Medicare system, of course, by dramatically increasing the price of drugs, which will happen, will make sure the Medicare goes bankrupt much earlier than is scheduled. Right now, in the outyears, we can try to do something to keep Medicare solvent. If we are just going to take responsibility for everyone, even the people who can take care of themselves in terms of a drug benefit, it is going to bankrupt the system; and we will all be worse off, and the price of drugs will soar for ordinary families who are not seniors.

We ignore half the problem if we only try to spend money. We need to free up the supply end of the medical care system, the supply of people who will be producing more health care for America. Yet we also have to be, of course, concerned about the escalating costs; but we cannot be stampeded into easy answers, quick fixes, because those just spending more money without creating any innovation in the system or any reforms in the system, it will make all of our problems worse. Backing up the Federal dump truck and just pouring in a mammoth load of tax money is not a quick fix. It will not work; and with new expenditures, it is going to bankrupt the system and cause the price of drugs to go sky high for all the American people, not just the seniors.

No, the tooth fairy is not going to leave the money that is going to be spent on health care and improving our health care system under our pillow. Each and every one of us will pay. So it is irresponsible not to try to make the system more competitive, less bureaucratic, more innovative as we are talk about expanding Medicare and trying to take care of those people who need prescription drugs but cannot afford it.

Our focus should be on those who cannot afford it rather than coopting this whole field and trying to take care of everybody. A government that tries to do everything for everybody is not going to be able to do anything for anybody in the long run as this economic insanity takes hold and has its effect on our society. We are going to make our problems for insurance worse if we do not try to make our system more effective and cost effective.

One last note about health care in America. In recent years, Americans have witnessed an explosion of alternative health care health-related nutrition, acupuncture, chiropractic, vitamins, exercise, mental health programs that are based on self-help and individual responsibility. These are exciting, new alternatives; and most of them are not even covered by insurance, much less being paid for by the tax dollars. The American people need to have these available to them, these and other vehicles for a good healthy life; and we must use mass communications and the Internet to make sure our people know what their alternatives are, but instead, now what are we focusing on here in the Federal Government, instead we are just trying to focus on spending more money.

New opportunities are needed. We do not need to just regulate these new approaches and these new things that people can do for health care. We do not need to regulate it, control it or ration it. We need, like my legislation will do, is to open up new opportunities. My legislation is based on the principles of freedom and the incentives of the market. This at least will have to be part of the solution, if not the entire solution, we seek to the challenges we face today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. DELAY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. WEXLER, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. BALLANCE, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Mr. TURNER of Texas, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 239. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Energy and Commerce.

S. 1157. An act to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes; to the Committee on House Administration; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, June 25, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2800. A letter from the Director, Regulatory Review Group, FSA, Department of Agriculture, transmitting the Department's final rule—2002 Marketing Quota and Price Support for Flue-Cured Tobacco (RIN: 0560–AG60) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2801. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (RIN: 3084–AA74) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2802. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period April 1, 2003 through May 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2803. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Export Administration Regulations: Encryption Clarifications and Revisions [Docket No. 030529136–3136–01] (RIN: 0694–AC78) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2804. A letter from the Assistant Secretary for Export Administration, Department of

Commerce, transmitting the Department's final rule— Implementation of the Understandings Reached at the June 2002 Australia Group (AG) Plenary Meeting and the AG Intersessional Decision on Cross Flow Filtration Equipment—Chemical and Biological Weapons Controls in the Export Administration Regulations [Docket No. 030523133–3133–01] (RIN: 0694–AC70) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2805. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); Fishing Vessel Permits; Charter Boat Operations; Temporary Rule [Docket No. 020325070–3146–04; I.D. 071299C] (RIN: 0648–AM91) received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2806. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Adminstration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Framework Adjustment 3 [Docket No. 030314060–3126–02; I.D. 021003E] (RIN: 0648–AQ57) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2807. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Incidental Catch Requirements of Bluefin Tuna [Docket No. 001113318–3128–03; I.D. 110200D] (RIN: 0648–AO75) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2808. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307–3037–02; I.D. 06030F] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2809. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; First Lady's Visit, Boston, MA [CGD01–02–127] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; Presidential Visit, Seaport Hotel/World Trade Center, South Boston, MA [CGD01–02–119] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah 02–134] (RIN: 2115–AE46) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Northeast Cape Fear River, Wilmington, North Carolina [COTP Wilmington 02–001] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2813. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; TUG NARRAGANSETT and Tow TRIPOLI, San Francisco Bay, CA [COTP San Francisco Bay 02–020] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2814. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Ohio River, Miles 468.5 to 473.0, Cincinnati, OH [COTP Louisville 02–008] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2815. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Elk River Miles 0.00 to 2.0, Charleston, WV [COTP Huntington 02–010] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2816. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, Motor Vessel BRIGHT STATE, Puget Sound, Washington [CGD13–02–019] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2817. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Captain of the Port Chicago Zone, Lake Michigan [CGD 09–02–525] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2818. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Fore River and Long Creek, Portland, ME [CGD01–02–125] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2819. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Verrazano Narrows Bridge, New York [CGD01–02–126] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2820. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of New York/New Jersey [CGD01–02–149] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chicago River, Chicago, IL [CGD09–02–524] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2822. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 02–020] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Bay, California [COTP San Francisco Bay; 02–021] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Las Mareas Harbor, Guayama, Puerto Rico [COTP San Juan 02–126] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2825. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone, York River, West Point, VA [CGD05–02–081] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2826. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Norfolk Harbor Entrance Reach Channel, Chesapeake Bay, Hampton Roads, VA [CGD05–02–098] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2827. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Closure of all navigable waterways to all marine traffic in the Captain of the Port (COTP) Port Arthur Area of Responsibility (AOR) as defined in 33 CFR 3.40–20 [COTP Port Arthur 02–007] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2828. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area in Hampton Roads, VA [CGD05–02–099] (RIN: 1625–AA11 (Formerly RIN: 2115–AE84)) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2829. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Manasquan River, NJ [CGD05–02–054] (RIN: 1625–AA09) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2830. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Alabama River at Coy, AL [CGD08–03–018] (RIN: 1625–AA09) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2831. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting The Department's final rule—Safety Zone; Detroit River, Detroit, MI [CGD09–03–216] (RIN: 1625–AA00) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2832. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Safety Zones, Security Zones and Regulated Navigation Areas [USCG–2003–15023] received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30362; Amdt. No. 441] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30354; Amdt. No. 440] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2835. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Rev. Rul. 2003–63) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2836. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns [TD 9061] (RIN: 1545–BB55) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2837. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordination of sections 755 and 1060; Allocation of basis adjustments among partnership assets and application of the residual method to certain partnership transactions [TD 9059] (RIN: 1545–AX18) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2838. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Vesting Standards (Rev. Rul. 2003–65) Recieved June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 295. Resolution providing for consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 108–176). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EDWARDS (for himself, Mr. EVANS, Mr. SKELTON, Mr. MARSHALL, and Mr. FILNER):

H.R. 2569. A bill to improve benefits for members of the Armed Forces and veterans and for their dependents and survivors; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. CARDIN, Ms. SLAUGHTER, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. DELAURO, Mr. CASE, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. CROWLEY, Mr. BELL, Mr. BALLANCE, Mr. RAHALL, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. STARK, Ms. CARSON of Indiana, Mrs. MALONEY, Mr. HASTINGS of Florida, Ms. SOLIS, Ms. HOOLEY of Oregon, Mr. SANDERS, Mr. LIPINSKI, Mr. COSTELLO, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. FARR, Mr. THOMPSON of California, Mr. KUCINICH, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. HINCHEY, Mr. CAPUANO, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. HONDA, Ms. BERKLEY, Ms. KAPTUR, and Ms. BALDWIN):

H.R. 2570. A bill to direct the Secretary of Homeland Security to reimburse States for direct expenses and losses incurred by State and local government entities during the effective period of a high threat condition (Code Orange) or severe threat condition (Code Red) declared by the Secretary of Homeland Security, that are in excess of normal operating expenses; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2571. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2572. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 2573. A bill to amend title 40, United States Code, to make reforms in the management and development of Federal real property; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. SERRANO, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. SANDERS, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BALLANCE, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. RUSH, Mr. LANGEVIN, Mr. CLAY, Ms. WOOLSEY, Mr. STARK, Mr. FILNER, Mr. OWENS, Ms. WATSON, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RANGEL, Ms. WATERS, Mr. DELAHUNT, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. SLAUGHTER, Ms. MAJETTE, Mr. WATT, Mr. FATTAH, Ms. KILPATRICK, Mr. PAYNE, and Ms. BALDWIN):

H.R. 2574. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAKER (for himself, Mr. OSE, Mr. BACHUS, Mr. KING of New York, Mr. LEACH, Mr. SHAYS, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. COX, Mr. RYAN of Wisconsin, Mr. GARY G. MILLER of California, Mr. RENZI, Mr. MANZULLO, Ms. HART, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. HENSARLING, Mr. GILLMOR, Mr. LUCAS of Oklahoma, and Ms. HARRIS):

H.R. 2575. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania (for himself, Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. PLATTS, Mr. FATTAH, Mr. ABERCROMBIE, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. PASCRELL, Mr. ISRAEL, Mr. MARKEY, Ms. KAPTUR, Mr. MCGOVERN, Mr. HOEFFEL, Mr. TOWNS, Mr. FILNER, Mr. ACEVEDO-VILA, Mr. FROST, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. MEEHAN, Mr. HILL, Mr. JEFFERSON, Mr. KANJORSKI, Mr. MURTHA, Mr. DOYLE, Mr. HOLDEN, Mr. RYAN of Ohio, and Mr. WU):

H.R. 2576. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protection of credit ratings of active duty military personnel who are activated for military service; to the Committee on Veterans' Affairs.

By Mr. BURGESS (for himself and Mr. BISHOP of Utah):

H.R. 2577. A bill to require the Comptroller General to conduct a study and submit to Congress a report on price controls of foreign governments on pharmaceuticals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR (for himself, Mr. BARTON of Texas, Mr. BUYER, Mr. NORWOOD, Mr. SHADEGG, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BURGESS, Mrs. CUBIN, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. KLINE, Mr. OTTER, Mr. PITTS, Mr. TOOMEY, Mr. WELDON of Florida, Mr. GARRETT of New Jersey, and Mr. JONES of North Carolina):

H.R. 2578. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare outpatient prescription drug discount and security program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. POMEROY, Mr. GOODLATTE, Mr. BLUNT, Mr. MCINNIS, Mr. HOUGHTON, Mr. PETERSON of Minnesota, Mr. BOEHNER, Mr. HOLDEN, Mr. GUTKNECHT, Mr. UPTON, Mr. MORAN of Kansas, Mr. JANKLOW, Mr. ROSS, Mr. REHBERG, Mrs. MILLER of Michigan, Mr. MANZULLO, Mr. BEREUTER, Mr. BURNS, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. GRAVES, Mr. NUNES, Mr. SCOTT of Georgia, Mr. KING of Iowa, Mr. CASE, Mr. MCHUGH, Mr. HAYES, Mr. OSE,

Mr. POMBO, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. LEWIS of Kentucky, and Mr. RAMSTAD):

H.R. 2579. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 2580. A bill to establish the Congaree Swamp National Park in the State of South Carolina, and for other purposes; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2581. A bill to authorize State and local governments to petition the Administrator of the Environmental Protection Agency for enforcement of certain violations of the Solid Waste Disposal Act, and to require the establishment of a manifest system for the interstate transportation of solid waste; to the Committee on Energy and Commerce.

By Mr. DEUTSCH:

H.R. 2582. A bill to amend the State eligibility provisions for grants under section 106 of the Child Abuse Prevention and Treatment Act to ensure that State foster care agencies meet certain requirements if the agencies have knowledge that foster children under the responsibility of the State are missing; to the Committee on Education and the Workforce.

By Mr. DUNCAN:

H.R. 2583. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA (for himself, Mr. GALLEGLY, Mr. BURTON of Indiana, and Ms. BORDALLO):

H.R. 2584. A bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. CANNON, Mr. FILNER, and Mr. FROST):

H.R. 2585. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2586. A bill to provide for the conveyance of certain National Forest System lands to the towns of Laona and Wabeno, Wisconsin; to the Committee on Agriculture.

By Mr. HOLDEN (for himself, Mr. BOYD, Mr. ENGEL, Mr. HINCHEY, Mr. MCGOVERN, Mr. REYES, Mr. GILLMOR, Mr. FROST, Mr. UPTON, Mr. SIMMONS, and Mr. WELDON of Pennsylvania):

H.R. 2587. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Mr. KING of Iowa:

H.R. 2588. A bill to establish under the Medicare Program under title XVIII of the Social Security Act incentives to health care providers for delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Ways and Means.

By Mr. LUCAS of Kentucky:

H.R. 2589. A bill to amend title 40, United States Code, to add Nicholas and Robertson Counties, Kentucky, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 2590. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 2591. A bill to amend the Internal Revenue Code of 1986 to provide for Small Business Protection Accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM (for himself, Mr. CARDOZA, Mr. BACA, Mr. NUNES, Mr. FILNER, Mr. FOLEY, Mr. RADANOVICH, Mr. BOYD, Ms. HARRIS, and Mr. POMBO):

H.R. 2592. A bill to promote improved nutrition for needy Americans, including women, infants, children, and students, by revising and enhancing Federal nutrition programs to incorporate a greater role for fruits, vegetables, and 100 percent juice products; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Ms. ROS-LEHTINEN, and Ms. HARMAN):

H.R. 2593. A bill to provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. REYES (for himself, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. FILNER, and Mr. HINOJOSA):

H.R. 2594. A bill to establish an Adult Job Corps demonstration program for the United States-Mexico border area; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. CRANE, Mr. LINDER, Mr. TAUZIN, Mr. DOOLITTLE, and Mr. CULBERSON):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. HAYWORTH, Mr. SHADEGG, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GRIJALVA, and Mr. RENZI):

H. Con. Res. 227. Concurrent resolution expressing profound sorrow for the death of the Honorable Bob Stump and gratitude to the Honorable Bob Stump for serving the United States and the State of Arizona with honor and distinction in his 26 years as a Member of the House of Representatives; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress that the National Family Caregiver Support Program should be fully funded to continue efforts to provide relief and necessary services to individuals who perform informal or unpaid care for the elderly and care for children under 18 years of age; to the Committee on Education and the Workforce.

By Mr. PAYNE:

H. Con. Res. 229. Concurrent resolution acknowledging the strong relationship between the United States and the Republic of Mali and recognizing Mali's role in building a participative democracy, providing leadership through conflict resolution and peacekeeping activities, and supporting the fight against terrorism; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. DELAY, Ms. PELOSI, and Mr. HYDE):

H. Res. 294. A resolution condemning the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism; to the Committee on International Relations.

By Mr. KLECZKA (for himself, Mr. OBEY, Mr. SENSENBRENNER, Ms. BALDWIN, Mr. PETRI, Mr. KIND, Mr. RYAN of Wisconsin, Mr. GREEN of Wisconsin, Mr. PLATTS, Mr. GRAVES, Mr. DINGELL, Mr. LATOURETTE, Mr. DAVIS of Illinois, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. GIBBONS, and Mr. SAM JOHNSON of Texas):

H. Res. 296. A resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. KING of Iowa, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. LEWIS of Kentucky, Mr. SIMPSON, Mr. GOODE, Mr. DOOLITTLE, and Mr. AKIN.

H.R. 111: Mrs. MILLER of Michigan and Mrs. MUSGRAVE.

H.R. 125: Mr. VAN HOLLEN.

H.R. 135: Mr. CANTOR and Mr. GOODLATTE.

H.R. 141: Mr. HAYWORTH.

H.R. 188: Mr. FRANK of Massachusetts.

H.R. 236: Ms. LOFGREN, Mr. GREEN of Texas, Mr. CARDOZA, Mr. RODRIGUEZ, and Mr. SANDLIN.

H.R. 303: Mr. RUPPERSBERGER, Mr. LANTOS, and Mr. HOEKSTRA.

H.R. 313: Mr. MURTHA.

H.R. 371: Mr. CAPUANO.

H.R. 372: Mr. DELAHUNT.

H.R. 375: Mr. ADERHOLT and Mrs. KELLY.

H.R. 438: Mr. GARRETT of New Jersey and Mr. NUNES.

H.R. 466: Mr. WU.

H.R. 501: Mr. SCHIFF.

H.R. 569: Mr. REYNOLDS and Mr. MEEHAN.

H.R. 571: Mr. OTTER.

H.R. 671: Mr. TERRY.

H.R. 678: Mr. LEWIS of Georgia.

H.R. 687: Mr. CRENSHAW and Mr. CULBERSON.

H.R. 716: Mr. RAHALL and Ms. KILPATRICK.

H.R. 721: Mr. HINOJOSA and Mr. LUCAS of Kentucky.

H.R. 738: Mr. CARDIN, Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. PAYNE, and Mr. SANDERS.

H.R. 765: Mr. MANZULLO.

H.R. 767: Mr. BURR.

H.R. 779: Mr. STARK.

H.R. 785: Mr. LUCAS of Oklahoma, Mr. ABERCROMBIE, Ms. WOOLSEY, and Mr. DAVIS of Alabama.

H.R. 786: Mr. RYAN of Wisconsin.

H.R. 790: Mr. LUCAS of Oklahoma.

H.R. 792: Mr. WEINER, Mr. CUMMINGS, Mr. WAMP, Mr. RAMSTAD, Mr. MCGOVERN, Ms. NORTON, Mr. MORAN of Virginia, Mr. BACHUS, Mr. ISRAEL, Mr. CLAY, Mr. SCOTT of Georgia, Mr. PICKERING, Mrs. MUSGRAVE, Mr. COOPER, Mr. WICKER, Mr. ANDREWS, Ms. BALDWIN, and Mr. WELDON of Pennsylvania.

H.R. 811: Mr. UDALL of New Mexico and Mr. BARTON of Texas.

H.R. 876: Mr. COLLINS, Mr. CHOCOLA, Mr. UDALL of New Mexico, and Mr. LAMPSON.

H.R. 882: Mr. SMITH of New Jersey.

H.R. 898: Ms. PRYCE of Ohio, Mr. HOEFFEL, Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Mr. RUSH, Ms. BALDWIN, Mr. MOORE, and Mr. BELL.

H.R. 906: Mr. PORTER, Mr. SULLIVAN, Mr. HAYES, and Mr. BURGESS.

H.R. 919: Mr. PETRI.

H.R. 936: Ms. BALDWIN.

H.R. 965: Mr. ENGEL and Mr. GEPHARDT.

H.R. 997: Mr. DEMINT and Mrs. BONO.

H.R. 1068: Ms. KILPATRICK, Mr. SENSENBRENNER, Mr. GREEN of Wisconsin, Mr. SIMMONS, and Mr. DOYLE.

H.R. 1078: Mr. WILSON of South Carolina, Mr. OSE, Mr. GARRETT of New Jersey, Mr. KLINE, and Mr. LARSEN of Washington.

H.R. 1093: Mr. BERMAN, Mr. INSLEE, Mr. NEY.

H.R. 1105: Mr. JOHNSON of Illinois.

H.R. 1125: Mr. BACHUS, Mr. SCOTT of Georgia, Mr. CLAY, Mr. BISHOP of Utah, Mr. WALSH, Mrs. BLACKBURN, and Mr. KIND.

H.R. 1130: Mr. JOHNSON of Illinois.

H.R. 1167: Mr. FILNER and Mr. MICHAUD.

H.R. 1185: Mr. LARSON of Connecticut.

H.R. 1225: Mr. SIMMONS and Mr. STUPAK.

H.R. 1233: Mr. MANZULLO.

H.R. 1268: Mr. HINOJOSA.

H.R. 1305: Mr. LINDER, Mrs. CAPITO, Mr. OXLEY, and Mr. RYAN of Wisconsin.

H.R. 1306: Mr. SPRATT.

H.R. 1310: Mr. JOHN.

H.R. 1336: Mr. BURR, Ms. GINNY BROWN-WAITE of Florida, and Mr. KING of New York.

H.R. 1340: Mr. VAN HOLLEN.

H.R. 1348: Mr. BAIRD.

H.R. 1351: Mr. LARSON of Connecticut.

H.R. 1359: Mrs. CHRISTENSEN.

H.R. 1376: Mr. MCGOVERN.

H.R. 1421: Mr. POMEROY and Mr. BACA.

H.R. 1473: Ms. LEE.

H.R. 1489: Mr. PETRI, Mr. KING of Iowa, Mr. HENSARLING, and Mr. ALEXANDER.

H.R. 1519: Mr. MATSUI.

H.R. 1543: Mr. MALONEY.

H.R. 1565: Mr. OWENS.

H.R. 1622: Mr. WELDON of Pennsylvania and Mr. MCHUGH.

H.R. 1628: Ms. JACKSON-Lee of Texas, Mr. OXLEY, Mr. RADANOVICH, Mr. RANGEL, Mr. FOLEY, and Mrs. BONO.

H.R. 1655: Ms. ROS-LEHTINEN.

H.R. 1660: Mr. RAMSTAD and Mr. CASE.

H.R. 1700: Mr. TOM DAVIS of Virginia, Ms. LORETTA SANCHEZ of California, and Mr. MCCOTTER.

H.R. 1708: Mr. MEEK of Florida.

H.R. 1734: Mr. STENHOLM, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. BOYD, Mr. RUSH, Mr. ANDREWS, and Mr. DAVIS of Illinois.

H.R. 1749: Mr. PAYNE, Mr. CANNON, Mr. MICHAUD, and Mr. ISAKSON.

H.R. 1767: Mr. CHOCOLA, Mr. MORAN of Kansas, Mr. PLATTS, Mr. SHUSTER, Mr. RYAN of Wisconsin, Mr. MARIO DIAZ-BALART of Florida, and Mr. PUTNAM.

H.R. 1813: Mr. BERMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. OBERSTAR, Mrs. MALONEY, and Mr. OWENS.

H.R. 1858: Mr. STRICKLAND, Mr. DEUTSCH, Mr. RAMSTAD, Mr. SHAYS, and Mrs. JONES of Ohio.

H.R. 1884: Mrs. MYRICK.

H.R. 1890: Mr. LEWIS of Kentucky.

H.R. 1900: Mr. THOMAS, Mr. KUCINICH, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. VISCLOSKY, Ms. LINDA T. SANCHEZ of California, Ms. WATERS, Mr. ACEVEDO-VILA, Mr. BARTLETT of Maryland, Mr. SCOTT of Virginia, Mr. CHOCOLA, Mrs. CAPPS, Mr. DUNCAN, Mr. LANTOS, Ms. HARMAN, Mr. SIMPSON, Mr. ENGLISH, Mr. RAMSTAD, Ms. KILPATRICK, and Mr. CANNON.

H.R. 1902: Mr. TERRY.

H.R. 1905: Mr. WEINER.

H.R. 1907: Mr. BLUNT.

H.R. 1910: Mr. CARSON of Oklahoma, Ms. HARMAN, Ms. HOOLEY of Oregon, Mr. STUPAK, and Mr. SKELTON.

H.R. 1930: Mr. OWENS.

H.R. 1934: Mr. SMITH of Washington.

H.R. 1951: Mr. CAPUANO, Mr. CARSON of Oklahoma, Mr. GORDON, and Mr. BISHOP of Georgia.

H.R. 1958: Mrs. MALONEY.

H.R. 1963: Mr. COLE.

H.R. 1991: Mr. MCDERMOTT.

H.R. 1998: Mr. CARSON of Oklahoma and Ms. CARSON of Indiana.

H.R. 2020: Mr. COLE, Ms. CORRINE BROWN of Florida, and Mr. ETHERIDGE.

H.R. 2022: Mr. DEUTSCH, Mr. OWENS, and Mr. WICKER.

H.R. 2028: Mr. GORDON.

H.R. 2035: Mrs. MCCARTHY of New York, Mr. HINOJOSA, and Mr. MICHAUD.

H.R. 2068: Mr. ABERCROMBIE, Ms. ESHOO, Mr. WOLF, Mr. BOEHLERT, Mr. FROST, Mr. CARSON of Oklahoma, Mr. WEXLER, and Mr. ENGEL.

H.R. 2069: Mr. ABERCROMBIE, Ms. ESHOO, Mr. WOLF, Mr. BOEHLERT, Mr. FROST, Mr. CARSON of Oklahoma, Mr. WEXLER, and Mr. ENGEL.

H.R. 2079: Mr. GILCHREST.

H.R. 2118: Mr. BISHOP of Georgia.

H.R. 2124: Mr. SANDERS, Mr. COOPER, Mr. WEXLER, and Mr. ROTHMAN.

H.R. 2138: Mr. BAKER.

H.R. 2157: Mr. STRICKLAND and Mr. FROST.

H.R. 2190: Mr. BRADY of Texas, Mr. GREEN of Wisconsin, and Mr. BONNER.

H.R. 2193: Mr. OWENS and Ms. WATSON.

H.R. 2205: Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Ms. LEE, Mr. SABO, Mr. JOHN, Ms. UDALL of Colorado, and Mr. MCDERMOTT.

H.R. 2236: Mr. GRIJALVA and Mr. LANTOS.

H.R. 2239: Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. SCOTT of Virginia, Mr. STRICKLAND, and Mr. OWENS.

H.R. 2246: Mr. PETERSON of Minnesota.

H.R. 2249: Mr. GIBBONS and Mr. THOMPSON of California.

H.R. 2256: Mr. WOLF.

H.R. 2264: Ms. DELAURO.

H.R. 2295: Mr. OWENS.

H.R. 2297: Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, and Mr. FILNER.

H.R. 2303: Mr. AKIN, Mr. LEWIS of Kentucky, Mr. FEENEY, Mr. BARRETT of South Carolina, Mr. JONES of North Carolina, Mr. HERGER, and Mr. KINGSTON.

H.R. 2310: Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. KILDEE, Mr. FARR, and Mr. SPRATT.

H.R. 2318: Mr. LIPINSKI, Mr. CASE, Mr. KILDEE, and Mr. SCOTT of Virginia.

H.R. 2333: Mr. GOODE.

H.R. 2346: Mr. TANCREDO.

H.R. 2351: Mr. BARRETT of South Carolina.

H.R. 2360: Mr. CUNNINGHAM.

H.R. 2372: Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, and Ms. NORTON.

H.R. 2377: Ms. BALDWIN.

H.R. 2379: Mr. MCINTYRE.

H.R. 2382: Mr. SMITH of Washington.

H.R. 2385: Mr. ACEVEDO-VILA.

H.R. 2399: Mr. KOLBE and Mr. JONES of North Carolina.

H.R. 2418: Mr. FROST.

H.R. 2426: Mr. HOEFFEL, Mr. FROST, Mr. KENNEDY of Rhode Island, and Ms. CARSON of Indiana.

H.R. 2427: Ms. DELAURO, Mr. TOOMEY, and Mr. VAN HOLLEN.

H.R. 2446: Mr. GOODLATTE, Mr. BURR, and Mr. MANZULLO.

H.R. 2448: Mr. RAMSTAD.

H.R. 2462: Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. WYNN, Mr. THOMPSON of California, Mr. FILNER, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.

H.R. 2464: Mr. WEXLER.

H.R. 2475: Mr. PAYNE and Mr. ANDREWS.

H.R. 2488: Mr. ABERCROMBIE.

H.R. 2494: Mr. MEEKS of New York and Mr. LEVIN.

H.R. 2497: Ms. DELAURO, Mr. MEEHAN, and Mr. EVANS.

H.R. 2498: Mr. KILDEE.

H.R. 2505: Mr. MCDERMOTT.

H.R. 2516: Mrs. MUSGRAVE.

H.R. 2542: Mr. GARRETT of New Jersey.

H.R. 2545: Mr. FROST.

H.R. 2546: Mr. RAHALL and Mr. DEFAZIO.

H.R. 2550: Mr. BEREUTER and Mr. MICA.

H.R. 2556: Mr. FLAKE, Mr. PUTNAM, Mr. WICKER, Mr. BURTON of Indiana, Mr. SCHROCK, and Mr. BARTON of Texas.

H.R. 2568: Mr. ACEVEDO-VILÁ.

H.J. Res. 56: Mr. KING of Iowa, Mr. ISAKSON, Mr. SOUDER, and Mr. KENNEDY of Minnesota.

H. Con. Res. 30: Mr. CUMMINGS and Mr. BAIRD.

H. Con. Res. 37: Mr. RANGEL.

H. Con. Res. 49: Mr. BEAUPREZ.

H. Con. Res. 67: Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Ms. LEE, Mr. SHAYS, Ms. NORTON, Ms. KAPTUR, Mr. OWENS, Mr. REYES, Mr. BOSWELL, Mr. BERMAN, Mr. CARSON of Oklahoma, Ms. MILLENDER-MCDONALD, Mr. LANTOS, and Mr. EMANUEL.

H. Con. Res. 107: Mr. LANTOS.

H. Con. Res. 126: Mr. HAYWORTH.

H. Con. Res. 192: Mr. WEXLER, Mr. CARDOZA, and Mr. PITTS.

H. Con. Res. 195: Mr. DAVIS of Illinois.

H. Con. Res. 202: Mr. ENGEL and Mr. DEUTSCH.

H. Con. Res. 217: Mr. BROWN of Ohio, Mr. NADLER, Mr. FROST, Mr. SIMMONS, and Mr. MATSUI.

H. Con. Res. 223: Ms. JACKSON-LEE of Texas, Mr. WATT, Mr. ISRAEL, Ms. SOLIS, Ms. KAPTUR, and Mr. BERMAN.

H. Res. 60: Mr. UDALL of New Mexico.

H. Res. 103: Mr. ENGLISH.

H. Res. 136: Mr. RUSH.

H. Res. 198: Mrs. MILLER of Michigan.

H. Res. 246: Mr. KUCINICH and Ms. SLAUGHTER.

H. Res. 259: Ms. LEE.

H. Res. 285: Mr. NADLER, Mr. WYNN, Ms. HART, Mr. WEXLER, Mr. BERMAN, Mr. SHAYS, Mrs. MALONEY, Mr. CARDOZA, Mr. ANDREWS, Mr. ADERHOLT, Mr. FOSSELLA, Mr. REYES, and Mr. BEAUPREZ.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1589

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following new text:

SECTION 1. GRANTS FOR PRESERVATION OF HISTORIC COURTHOUSES.

(a) IN GENERAL.—The Secretary of the Interior may make grants to States to distribute the grant funds to units of local government for activities to preserve eligible historic courthouses. Such activities shall meet applicable Secretarial Standards for Rehabilitation and may include period restoration, upgrades to current legal codes and requirements, and architecturally compatible additions and expansions. Each State which accepts a grant under this subsection shall determine the State agency responsible for compliance with the requirements of this section and for the administration of funds provided under this section.

(b) REQUIREMENTS FOR ELIGIBLE HISTORIC COURTHOUSE.—For the purposes of this section, an eligible historic courthouse is a courthouse or courthouse facility—

(1) that is eligible to be listed on or is listed on the National Register of Historic Places;

(2) that is not less than 50 years old; and

(3) regarding which a grant under this section has not been previously awarded.

(c) WAIVER OF CERTAIN REQUIREMENTS.—The Secretary may waive the requirement in subsection (b)(2).

(d) REQUIRED MATCH.—As a condition of providing a grant under this section, the Secretary shall require the recipient of the grant to provide matching funds according to a 1-to-1 ratio of Federal-to-recipient contributions. Recipient matching funds—

(1) must be from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods or services.

(e) LIMIT ON ADMINISTRATIVE USE OF FUNDS.—Not more than 10 percent of funds made available to a State under this section may be used by the State for administrative purposes.

(f) REPORT.—Five years after the date that funds are first made available for this section, the Secretary shall submit to Congress a report describing activities undertaken with grants awarded under this section.

(g) STATE DEFINED.—For the purposes of this section, the term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

H.R. 2417

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: At the end of title III add the following new section:

SEC. 345. STUDY ON PROVIDING ACCESS TO STATE AND LOCAL LAW ENFORCEMENT TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—The Director of Central Intelligence shall conduct a study to determine the feasibility of providing security clearances to specified State and local law enforcement personnel for access to classified information in the possession of agencies and departments of the United States that relate to homeland security and preventing terrorist attacks against the United States.

(b) SPECIFIED OFFICIALS.—For purposes of subsection (a), the Director shall, in consultation with appropriate State and local officials, establish criteria for the selection of State and local law enforcement personnel for such security clearances.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Director shall submit to Congress a report on the study conducted under subsection (a).

H.R. 2417

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Add at the end the following new title:

TITLE VI—NATIONAL COMMISSION ON INTELLIGENCE CAPABILITIES AND ACTIVITIES

SEC. 601. ESTABLISHMENT.

There is established a commission to be known as the ''National Commission on Weapons of Mass Destruction in Iraq'' (hereinafter in this title referred to as the ''Commission'').

SEC. 602. DUTIES OF THE COMMISSION.

The Commission shall review and assess the knowledge in the possession of the executive branch with respect to the status of and threats posed by Iraq's weapons of mass destruction programs before the commencement of Operation Iraqi Freedom.

SEC. 603. COMPOSITION AND OPERATION OF COMMISSION.

(a) NUMBERS AND APPOINTMENT.—The Commission shall be composed of 10 members appointed by the Director of Central Intelligence.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than five members of the Commission may be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—A member of the Commission may not be an officer or employee of the Federal Government or any State or local government.

(c) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(d) QUORUM.—Six members of the Commission shall constitute a quorum.

(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(f) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 604. POWERS OF COMMISSION.

(a) MEETINGS, HEARINGS, AND EVIDENCE.—

(1) IN GENERAL.—For the purpose of carrying out this Act, the Commission or, on the authority of the Commission, any subcommittee or member thereof, may—

(A) conduct meetings, hold hearings, sit and act at such times and places, take testimony, receive such evidence, and administer oaths as the Commission considers appropriate; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission which the Commission is empowered to investigate under this Act.

(2) PUBLIC HEARINGS AND MEETINGS.—The Commission shall hold public hearings and meetings to the extent practicable. Any public hearings and meetings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued by the Commission only—

(i) by the agreement of the chairperson and the vice chairperson; or

(ii) by the affirmative vote of six members of the Commission.

(B) SIGNATURE.—Subpoenas issued by the Commission shall be issued only under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—If a person refuses to obey a subpoena issued by the Commission, the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(c) CONTRACT AUTHORITY.—The Commission may enter into contracts to enable the Commission to discharge its duties under this Act.

(d) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States information necessary to enable it to carry out this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services necessary for the Commission to carry out its duties under this Act.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 605. DIRECTOR AND STAFF OF COMMISSION.

(a) IN GENERAL.—The chairperson, in consultation with vice chairperson may appoint and fix the compensation of a director and such other staff as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure the temporary or intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at a rate not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of such title.

SEC. 606. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Members of the Commission shall serve without pay.

(b) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 607. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing the members and staff with the necessary security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this Act without the appropriate security clearances.

SEC. 608. REPORT.

(a) FINAL REPORT.—The Commission shall submit to the President and Congress, not later than 6 months after the date of the enactment of this Act, a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members, together with any dissenting opinions. The report shall also include any recommendations for investigation by the Attorney General or the Inspector General of the Central Intelligence Agency of matters investigated by the Commission.

(b) CLASSIFICATION OF REPORTS.—To the extent practicable, the final report shall be unclassified and made available to the public. Such reports shall be supplemented as necessary by a classified report or annex which shall be provided separately to the President and Congress.

SEC. 609. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate 30 days after the date on which the final report is submitted under section 608.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating its final report.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.