Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stenholm
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—86

Allen
Andrews
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Capps
Capuano
Cooper
DeGette
Delahunt
DeLauro
Dingell
Emanuel
Eshoo
Evans
Farr
Flake
Frank (MA)
Franks (AZ)
Grijalva
Gutierrez
Hensarling
Hinchey
Hoeffel
Holt
Honda
Hostettler
Israel
Jackson (IL)
Jackson-Lee (TX)
Kind
King (IA)
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lynch
Majette
Markey
Matheson
McCarthy (MO)
McGovern
Menendez
Michaud
Miller (FL)
Miller, George
Nadler
Obey
Owens
Pallone
Pascrell
Paul
Payne
Petri
Rahall
Rohrabacher
Royce
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Sensenbrenner
Shays
Solis
Stark
Stearns
Strickland
Sullivan
Tanner
Tiahrt
Tierney
Toomey
Udall (CO)
Van Hollen
Velázquez
Waters
Waxman
Weiner
Woolsey
Wu

NOT VOTING—13

Bereuter
Berman
Conyers
DeMint
Hastings (FL)
Isakson
Jones (NC)
Kilpatrick
Lipinski
Nethercutt
Reyes
Schrock
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1923

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 on H.R. 4567, and that I may include extraneous and tabular material.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 675 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. 4567.

□ 1923

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. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, 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, I am pleased to be here to present to the body the fiscal year 2005 Homeland Security Appropriations bill, the second such bill ever written by the Committee on Appropriations.

The bill before us provides $32 billion for the Department of Homeland Security. That is $1.1 billion above the current year, and $496 million above the President's request.

Mr. Chairman, it is very hard to believe that the Department was created just a year ago. There have been growing pains, but tremendous progress has been made. This is not an easy task to get our arms around, but I think the Department is succeeding, and their success is significant.

In just one year, for example, the Department has inventoried the Nation's critical infrastructure to include more than 33,000 facilities. The Department is identifying and reducing vulnerabilities at chemical facilities, nuclear power plants, national monuments, subway and light rail systems, and commercial sites. The Department has streamlined the process used to get the money out to first responders, setting up a one-stop shop. They continue to work with State and local governments to identify choke points so that money can flow quickly and get where it is needed. The Department regularly communicates threat information with State and local officials. Last year, the Department issued 41 warnings and advisory notices to State and local entities.

The Department established a two-way communications system with State and local homeland security personnel. This system was recently used in Kentucky when there was a smallpox scare in the small rural town of London. The information was quickly passed on to the Department and other Federal officials and appropriate action was immediately taken. The system works.

The Department has increased their presence to more than 38 ports in 18 different countries, prescreening all high-risk cargo before it reaches our shores. The Department has established three Homeland Security Centers of Excellence, created standards for first responder equipment, and installed and operated sensor systems in 30 high-risk cities to detect biohazards. Those are just some things that they are doing.

There is no doubt, Mr. Chairman, that more work needs to be done, but the Department is clearly on the right track, identifying our vulnerabilities, matching them to threats, and putting out specific guidance on ways to protect our homeland.

Fiscal year 2005 will be the second full year of operation for the Department. This bill continues the successes of the past year and includes initiatives to move us closer to our goals of prevention, preparedness, and response.

The bill provides $4.1 billion for our first responders, the first line of defense. These brave men and women are the first on the scene whenever there might be a problem. They are the backbone of our communities.

Since 9/11, this Congress has provided $26.7 billion for these first responders. Those dollars have helped train more than 285,000 police, fire, and emergency medical personnel around the Nation to respond to acts of terrorism, including weapons of mass destruction. No community in America, whether urban or rural, is immune from acts of terrorism. This bill strikes a balance between funding high-risk communities and providing support for States and localities, striving to achieve and maintain minimum levels of preparedness. For 2005 we propose an additional $1.175 billion to improve security in our urban and most populated areas.

The United States is the most open nation in the world. Our borders are the gateway for billions of dollars in commercial trade and millions of visitors. However, these same borders are potential entry points for terrorists and weapons of mass destruction. This 2005 bill provides $9.8 billion for border protection and related activities. This funding will continue our efforts to create smart borders that keep terrorists out of America without stemming

the flow of commerce or legitimate travel. Funding will be used to operate and expand the container security initiative. Funding will be used to design and to identify, target, and search high-risk cargo before it enters our ports. We also fund advanced inspection technologies, including personal radiation monitors and detectors.

This legislation fully supports security for all modes of transportation, providing $5.7 billion to the Transportation Security Administration and Federal Air Marshals.

Since September 11, Congress has provided $14.3 billion for aviation security. Funding has been used for a host of purposes, including securing all of the cockpit doors on commercial flights, installing new technically advanced metal detectors at the airports, searching checked bags for explosives, and federalizing the screener workforce. We continue our commitment to aviation security in 2005 and fully fund the baggage and passenger screening efforts, as well as new technology to improve screening procedures at America's airports and giving Federal Air Marshals the funds they need to cover high-threat domestic and international flights.

The bill also includes $118 million for air cargo screening which will support the hiring of 100 new air cargo inspectors, development of new cargo screening technology, and expansion of canine enforcement teams. The bill also requires TSA to double the number of cargo inspections on passenger aircraft.

The bill funds several initiatives for rail security, providing $111 million for grants to high-threat systems, technology to screen passengers and baggage, and furthering intelligence-related activities.

□ 1930

Security assessments for the 14 subway systems and 278 light rail systems have been completed. And this will continue in 2005.

Additional funds are also provided for radiological, political, chemical and high explosives countermeasures to both rail and transit systems. There is $1.1 billion, Mr. Chairman, for the science and technology directorate. We are targeting funds for research, development, and the discovery of new technologies that can and are being used in our cities and towns today, including environmental sensors to detect biohazards and nuclear detection technology for cargo.

We also continue to fully fund research and development for antimissile devices for commercial aircraft, the so-called ''man pads.'' The bill includes $855 million for information analysis and infrastructure protection. These funds will be used to complete an inventory of critical infrastructure, enhance current communication between Federal, State and local homeland security personnel, and assist local communities as they put protective measures in place. Funds will be used to train State homeland security advisors and local law enforcement on best practices for protecting their critical sites.

Finally, Mr. Chairman, this bill fully supports the traditional missions and operations of agencies that were merged into the Department including the Coast Guard, the Secret Service, and, of course, disaster relief. I believe, Mr. Chairman, we have produced the right mix for this Department. It builds upon the progress of the past year and furthers the protection of our beloved homeland.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 15, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 4567, the Department of Homeland Security Appropriations Act for fiscal year 2005. As you have noted, the bill is scheduled for floor consideration on Wednesday, June 16, 2004. I appreciate your agreement to expedite the passage of this legislation although it contains a provision involving overtime pay that falls within the Committee's jurisdiction. I appreciate your decision to forgo further action on the bill and acknowledge that it will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation.

Our committees have worked closely together on this important initiative, and I am very pleased we are continuing that cooperation. I appreciate your helping us to move this legislation quickly to the floor. Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

HAROLD ROGERS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITEEE ON WAYS AND MEANS,
Washington, DC, June 15, 2004.

Hon. HAROLD ROGERS,
Chairman, Subcommittee on Homeland Security, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN ROGERS: I am writing concerning H.R. 4567, the Department of Homeland Security Appropriations Act for Fiscal Year 2005 which is scheduled for floor consideration on Wednesday, June 16, 2004.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning customs and Title 19, U.S.C. 267(c)(1). There is a provision within the bill which involves overtime pay for U.S. Customs and Border Protection employees and thus falls within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4567 and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

DEPARTEMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HOMELAND SECURITY					
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental Operations					
Office of the Secretary and Executive Management	80,317	102,623	80,227	-90	-22,396
Office of the Under Secretary for Management	130,210	302,664	179,806	+49,596	-122,858
Office of the Chief Financial Officer	---	---	13,000	+13,000	+13,000
Office of the Chief Procurement Officer	---	---	7,734	+7,734	+7,734
Office of the Chief Information Officer	---	---	60,139	+60,139	+60,139
Total, Departmental operations	210,527	405,287	340,906	+130,379	-64,381
Department-wide technology investments	183,784	226,000	211,000	+27,216	-15,000
Office of Inspector General					
Operating expenses	58,318	82,317	82,317	+23,999	---
(By transfer)	(22,000)	---	---	(-22,000)	---
Total, Office of Inspector General	(80,318)	(82,317)	(82,317)	(+1,999)	---
Total, title I, Departmental Management and Operations:					
New budget (obligational) authority	452,629	713,604	634,223	+181,594	-79,381
(By transfer)	(22,000)	---	---	(-22,000)	---
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
Office of the Under Secretary for Border and Transportation Security	8,058	10,371	10,371	+2,313	---
U.S. Visitor and Immigrant Status Indicator Technology	328,053	340,000	340,000	+11,947	---
Customs and Border Protection					
Salaries and expenses	4,367,430	4,577,491	4,608,991	+241,561	+31,500
Harbor maintenance fee collection (trust fund)	3,000	3,000	3,000	---	---
Automation modernization	438,520	449,909	449,909	+11,389	---
Construction (border patrol)	89,830	91,718	91,718	+1,888	---
Total, Direct appropriations	4,898,780	5,122,118	5,153,618	+254,838	+31,500
Fee accounts	(1,044,327)	(1,100,551)	(1,100,551)	(+56,224)	---
Total, Customs and border protection	(5,943,107)	(6,222,669)	(6,254,169)	(+311,062)	(+31,500)
Immigration and Customs Enforcement					
Salaries and expenses	2,138,358	2,370,906	2,377,006	+238,648	+6,100
Rescission	-54,000	---	---	+54,000	---
Federal air marshals	622,704	612,900	662,900	+40,196	+50,000
Federal protective service	424,211	478,000	478,000	+53,789	---
Offsetting fee collections	---	-478,000	-478,000	-478,000	---
Automation modernization	39,764	39,605	39,605	-159	---
Air and marine interdiction, operations, maintenance, and procurement	208,960	257,535	257,535	+48,575	---
Construction	26,617	26,179	26,179	-438	---
Total, Direct appropriations	3,406,614	3,307,125	3,363,225	-43,389	+56,100
Fee accounts	(273,000)	(225,375)	(225,375)	(-47,625)	---
Total, Immigration and customs enforcement	(3,679,614)	(3,532,500)	(3,588,600)	(-91,014)	(+56,100)
Transportation Security Administration					
Aviation security	3,724,112	4,238,164	4,270,564	+546,452	+32,400
Maritime and land security	261,449	29,000	65,000	-196,449	+36,000
Credentialing activities	---	67,000	67,000	+67,000	---

DEPARTEMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Intelligence	13,520	14,000	14,000	+480	---
Research and development	154,285	154,000	174,000	+19,715	+20,000
Administration	424,679	539,852	524,852	+100,173	-15,000
Aviation security capital fund	---	(250,000)	(250,000)	(+250,000)	---
Subtotal, Transportation Security Administration (gross)	4,578,045	5,042,016	5,115,416	+537,371	+73,400
Offsetting fee collections:					
Aviation security fees	-2,070,000	-2,223,000	-1,823,000	+247,000	+400,000
Credentialing fees	---	-67,000	-67,000	-67,000	---
Subtotal, offsetting collections	-2,070,000	-2,290,000	-1,890,000	+180,000	+400,000
Total, Transportation Security Administration (net)	2,508,045	2,752,016	3,225,416	+717,371	+473,400
United States Coast Guard					
Operating expenses	4,347,256	4,833,220	3,967,220	-380,036	-866,000
Defense function	337,994	340,000	1,204,000	+866,006	+864,000
Emergency appropriations (P.L. 108-106)	23,183	---	---	-23,183	---
Rescissions	-71,000	---	---	+71,000	---
Subtotal, Operating expenses	4,637,433	5,173,220	5,171,220	+533,787	-2,000
Environmental compliance and restoration	16,900	17,000	17,000	+100	---
Reserve training	94,440	117,000	113,000	+18,560	-4,000
Acquisition, construction, and improvements	961,492	942,550	936,550	-24,942	-6,000
Rescissions	---	---	-33,000	-33,000	-33,000
Subtotal, Acquisition, construction, and improvements	961,492	942,550	903,550	-57,942	-39,000
Alteration of bridges	19,136	---	16,400	-2,736	+16,400
Research, development, test, and evaluation	14,912	---	---	-14,912	---
Subtotal, U.S. Coast Guard discretionary	5,744,313	6,249,770	6,221,170	+476,857	-28,600
Retired pay (mandatory)	1,020,000	1,085,460	1,085,460	+65,460	---
Total, United States Coast Guard	6,764,313	7,335,230	7,306,630	+542,317	-28,600
United States Secret Service					
Salaries and expenses	1,130,570	1,159,125	1,179,125	+48,555	+20,000
Acquisition, construction, improvements, and related expenses	3,558	3,633	3,633	+75	---
Total, United States Secret Service	1,134,128	1,162,758	1,182,758	+48,630	+20,000
Total, title II, Security, Enforcement, and Investigations:					
New budget (obligational) authority	19,047,991	20,029,618	20,582,018	+1,534,027	+552,400
Appropriations	(19,149,808)	(20,029,618)	(20,615,018)	(+1,465,210)	(+585,400)
Emergency appropriations	(23,183)	---	---	(-23,183)	---
Rescissions	(-125,000)	---	(-33,000)	(+92,000)	(-33,000)
TITLE III - PREPAREDNESS AND RECOVERY					
Office for State and Local Government Coordination and Preparedness					
Salaries and expenses	---	---	41,432	+41,432	+41,432
State and local programs	3,267,608	3,061,255	3,423,900	+156,292	+362,645
Firefighter assistance grants	745,575	500,000	600,000	-145,575	+100,000
Total, Office of State and Local Government Coordination and Preparedness	4,013,183	3,561,255	4,065,332	+52,149	+504,077
Counterterrorism fund	9,941	20,000	10,000	+59	-10,000

DEPARTEMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency Preparedness and Response					
Office of the Under Secretary for Emergency Preparedness and Response	3,430	4,211	4,211	+781	---
Operating expenses (rescission)	-3,000	---	---	+3,000	---
Preparedness, mitigation, response, and recovery	223,673	208,499	210,499	-13,174	+2,000
Administrative and regional operations	166,015	146,939	203,939	+37,924	+57,000
Defense function	---	50,000	---	---	-50,000
Subtotal, Administrative and regional operations	166,015	196,939	203,939	+37,924	+7,000
Public health programs	481,144	34,000	34,000	-447,144	---
Biodefense countermeasures	884,749	---	---	-884,749	---
Advance appropriations	4,703,000	---	---	-4,703,000	---
Advance appropriations, FY 2005	---	2,528,000	2,528,000	+2,528,000	---
Subtotal, Biodefense countermeasures	5,587,749	2,528,000	2,528,000	-3,059,749	---
Disaster relief	1,789,380	2,151,000	2,042,380	+253,000	-108,620
(Transfer to Office of the Inspector General)	(-22,000)	---	---	(+22,000)	---
Emergency appropriations (P.L. 108-106)	500,000	---	---	-500,000	---
Emergency rescission (P.L. 108-199)	-225,000	---	---	+225,000	---
Disaster assistance direct loan program account:					
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
Administrative expenses	557	567	567	+10	---
Flood map modernization fund	198,820	200,000	150,000	-48,820	-50,000
Radiological emergency preparedness program	---	-1,000	-1,000	-1,000	---
National flood insurance fund:					
Salaries and expenses	32,663	33,336	33,336	+673	---
Flood mitigation	77,809	79,257	79,257	+1,448	---
Offsetting fee collections	---	-112,593	-112,593	-112,593	---
(Transfer to Mitigation grants)	---	(-20,000)	---	---	(+20,000)
(Transfer to National flood mitigation fund)	(-20,000)	---	(-20,000)	---	(-20,000)
Subtotal, National flood insurance fund	110,472	---	---	-110,472	---
National flood mitigation fund (by transfer)	(20,000)	---	(20,000)	---	(+20,000)
National pre-disaster mitigation fund	149,115	---	100,000	-49,115	+100,000
Mitigation grants	---	150,000	---	---	-150,000
(By transfer)	---	(20,000)	---	---	(-20,000)
Subtotal, Mitigation grants	---	(170,000)	---	---	(-170,000)
Emergency management performance grants	178,938	---	---	-178,938	---
Emergency food and shelter	152,097	153,000	153,000	+903	---
Cerro Grande fire claims	37,837	---	---	-37,837	---
Total, Emergency Preparedness and Response	9,351,227	5,625,216	5,425,596	-3,925,631	-199,620
Total, title III, Preparedness and Recovery:					
New budget (obligational) authority	13,374,351	9,206,471	9,500,928	-3,873,423	+294,457
Appropriations	(8,399,351)	(6,678,471)	(6,972,928)	(-1,426,423)	(+294,457)
Emergency appropriations	(500,000)	---	---	(-500,000)	---
Advance appropriations	(4,703,000)	(2,528,000)	(2,528,000)	(-2,175,000)	---
Rescissions	(-3,000)	---	---	(+3,000)	---
Emergency rescissions	(-225,000)	---	---	(+225,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out)	(-42,000)	(-20,000)	(-20,000)	(+22,000)	---
(By transfer)	(20,000)	(20,000)	(20,000)	---	---

DEPARTEMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES					
Citizenship and Immigration Services					
Operating expenses	234,733	140,000	160,000	-74,733	+20,000
Fee accounts	(1,564,000)	(1,571,000)	(1,571,000)	(+7,000)	---
Total, Citizenship and immigration services	(1,798,733)	(1,711,000)	(1,731,000)	(-67,733)	(+20,000)
Federal Law Enforcement Training Center					
Salaries and expenses	154,506	158,440	183,440	+28,934	+25,000
Acquisition, construction, improvements, and related expenses	37,137	37,917	37,917	+780	---
Total, Federal Law Enforcement Training Center	191,643	196,357	221,357	+29,714	+25,000
Information Analysis and Infrastructure Protection					
Management and administration	124,263	162,064	132,064	+7,801	-30,000
Assessments and evaluations	710,084	561,758	722,512	+12,428	+160,754
Defense function	---	140,754	---	---	-140,754
Subtotal, Assessments and evaluations	710,084	702,512	722,512	+12,428	+20,000
Total, Information Analysis and Infrastructure Protection	834,347	864,576	854,576	+20,229	-10,000
Science and Technology					
Management and administration	43,908	52,550	68,586	+24,678	+16,036
Research, development, acquisition, and operations	868,844	579,749	1,063,713	+194,869	+483,964
Defense function	---	407,000	---	---	-407,000
Subtotal, Research, development, acquisition, and operations	868,844	986,749	1,063,713	+194,869	+76,964
Total, Science and Technology	912,752	1,039,299	1,132,299	+219,547	+93,000
Total, title IV, Research and Development, Training, Assessments, and Services: New budget (obligational) authority	2,173,475	2,240,232	2,368,232	+194,757	+128,000
Grand total, Department of Homeland Security:					
New budget (obligational) authority	35,048,446	32,189,925	33,085,401	-1,963,045	+895,476
Appropriations	(30,175,263)	(29,661,925)	(30,590,401)	(+415,138)	(+928,476)
Emergency appropriations	(523,183)	---	---	(-523,183)	---
Advance appropriations	(4,703,000)	(2,528,000)	(2,528,000)	(-2,175,000)	---
Rescissions	(-128,000)	---	(-33,000)	(+95,000)	(-33,000)
Emergency rescissions	(-225,000)	---	---	(+225,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out)	(-42,000)	(-20,000)	(-20,000)	(+22,000)	---
(By transfer)	(42,000)	(20,000)	(20,000)	(-22,000)	---

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

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

I thank the gentleman from Kentucky (Mr. ROGERS) and his staff for their hard work in producing the legislation we have today. President Bush's 2005 homeland security budget request fell far short; and while this bill is an improvement, and that it is, I am concerned that it does not go far enough to close troubling homeland security gaps.

The committee followed a logical plan in distributing the $32 billion allocation. However, this measure does not provide the resources needed to significantly improve our ability to detect terrorist activities or to respond to an attack. The committee was forced to make trade-offs among programs to improve disaster preparedness and response, immigration services, and programs to stop terrorists. As a result, we have some worrisome gaps.

The first responder funding cuts, this funding cut for local fire, police, and emergency personnel, is one of my biggest concerns. With cuts in fire grants and deep cuts in formula funds to most States, overall the bill provides $327 million less for first responders than was enacted in 2004. While funding to certain high-threat urban areas is increased, the fact is that this increase comes at the expense of the rest of the country. If these cuts hold, next year most States and localities will end up with less homeland security funding than they have today.

This bill comes just weeks after the American people saw live television coverage of the Attorney General and the FBI Director giving us alarming warnings of imminent terrorist attacks. At their press conference, Mr. Ashcroft said that our own intelligence and al Qaeda public statements indicated that it is almost ready to attack the United States and that they intend to hit us hard. This week an alleged al Qaeda operative was indicted for plotting to blow up a shopping mall in Ohio.

If terrorists attack us again, our local police, firefighters, and emergency workers will be the first on the scene. It frustrates me that there is little sense of urgency to ensure that these first responders have the tools that they need to do their jobs. This legislation also fails to address other critical homeland security issues.

Two of my chief concerns are the inadequate inspection of cargo carried on passenger planes and the lax Federal oversight of chemical plant security practices. Unlike passenger baggage, the cargo on passenger aircraft is not rigorously inspected, even though it is carried in the same hold. Furthermore, cargo carried on all cargo aircraft is not inspected at all. I am also troubled that the administration continues to have inadequate chemical plant security policies. For the most part, vulnerability assessments and security plans are left to the plant owners' consciences.

Last, I would like to point out a bill provision concerning the CAPPS2 air passenger prescreening system that TSA is developing and may be testing later this year. This provision updates last year's bill by requiring the Secretary to certify, and the General Accounting Office to review, the certification that all eight security and privacy criteria are met before the passenger profiling system can be deployed. In its first review in February, the GAO found that TSA had met only one of the eight criteria.

The new language also specifically mandates that GAO review the CAPPS2 methodology that is intended to predict whether a passenger could be a terrorist. This element is the most sensitive aspect of CAPPS2 with broad implications for Americans' privacy and civil liberties.

In closing, I am concerned that this bill continues, does not do more to close the troubling homeland security gaps. The American people demand our best efforts to protect the country from those who would do us harm, and the Congress should be more aggressive in challenging the administration where it falls short.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very hardworking member of this subcommittee.

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

Mr. Chairman, I want to rise in strong support of H.R. 4567, and I want to commend the gentleman from Kentucky (Mr. ROGERS) who has shown tremendous leadership on this bill, a very, very difficult bill, and the gentleman from Minnesota (Mr. SABO) and all the staff on both sides of the aisle doing an outstanding job of moving this homeland security appropriations bill to the floor under a very tight fiscal circumstance.

We received a tremendous number of specific requests, and each of us has had to say no many more times than we would have liked to. I know that all Members of this Chamber have specific accounts they believe should have increased funding or areas for which they want to include language. There are particular programs that need more direction and money.

Most, if not all, of our colleagues care deeply about homeland security. We want it done right, and we want tangible results. However, at some point we need to focus on the possible and the reasonable knowing that none of us are going to be fully satisfied. I am not satisfied with the level of funding for the State formula grant, but given all of the factors that must be considered when addressing the various risks in each congressional district, the number for this program is not unreasonable; particularly when one considers that is a half a billion dollars over the administration's request.

We should also remember that there are hundreds of millions of dollars out there in our States that have yet to be obligated for homeland security. I am not satisfied with what I believe is less than adequate attention devoted to the threat of agroterrorism, particularly as it relates to prevention activities and needed work to advance animal vaccines; and I openly criticized the people in the Department who have been shortsighted in this area. I intend to be an advocate for protecting our agriculture economy from terrorism.

The potential cost of agroterrorism to rural economy is hard to imagine, yet alone the cost as far as food safety.

For those who want to score easy political points, this is a great bill for you. I will be one of those first who worry about funding levels. But none of us holds the answers to what truly defines adequate funding for homeland security.

As we debate this appropriations bill, I challenge the critics today to be honest with the American people. This is not an easy bill to write, and the most complex and the most demanding homeland security functions make easy targets for those who claim to be an authority on what is the best way to spend our homeland security dollars.

As the chairman has said, we can all think of more ways to spend money on homeland security, and there is no end to what we could spend. Nobody can argue that. And the issue is how well we shepherd our limited resources. In my view, this is one of the most important spending measures we will consider this year. We all know what the budget situation is; but we have crafted a very, very good bill.

I urge the Members to support this bill, keep the debate honest, and pass it quickly because it is so important to our constituents and to this Nation.

Mr. SABO. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee.

Mr. OBEY. Mr. Chairman, I remember being here during the first and second energy crisis in 1973 and again in 1977 under President Ford and then President Carter. And when we realized what a bind we were in on energy, we had a bunch of new actions taken. We took action to support new investments in technology. We supported new investments in energy conservation. We supported new investments in alternative fuels.

And then slowly but surely during the Reagan years and afterwards, the Congress lost its interest, it lost its zeal, so did the administrations. And little by little those initiatives were just sort of slowly drained out of the budget, and we wound up getting in real terms back to about just where we were in terms of making those investments before we were hit by the energy crises.

Unfortunately, I think that is what has happened with respect to the homeland security issues after 9/11. I remember after 9/11 going down to the White House, talking to the President with my good friend, the gentleman from Florida (Mr. YOUNG).

We presented to the President a bipartisan list of initiatives which we had been told by the President's own security people were essential to try to protect us from future attacks. And I remember that instead of being met with a willingness to sit down and listen to what people had to say, the President essentially said, ''Folks, if you appropriate one dollar more than I have asked for, I will veto the bill.'' And there was no receptiveness at all.

Then in the next year, the President vetoed or pocket-vetoed about a billion and a half dollars in additional actions for homeland security. This bill pretty much continues the status quo since that time. We have, it is true, over time increased our investments in homeland security by about two-tenths of 1 percent of our gross national product, but because the majority party has concluded that their number one priority is tax breaks, there is not enough room left for any significant new initiatives on the homeland security front, and I think that is highly dangerous for the country.

As the gentleman from Minnesota (Mr. SABO) has indicated, if you compare the challenges with the resources being applied to those challenges, we are falling woefully short. I do not think the public understands that only a tiny percentage of air cargo on passenger planes is being inspected these days for explosives.

□ 1945

I do not think they understand that this bill is 8 percent below where we were told by the President initially that we should be in terms of the number of sky marshals.

I do not think the public understands how little is being done to secure our ports against dirty bombs and other weapons of mass destruction.

I do not think the public understands that of the 45 major ports who ship to this country, only 20 of them have a decent customs inspection operation. I do not think the public understands that the inspectors we have in those ports are there on temporary, 6-month duty and, therefore, do not learn the territory well enough to really do their jobs as well as they otherwise could.

I do not think the public understands that on the northern border the PATRIOT Act required us to have 2000 more inspectors than we have today.

I do not think the public understands that only 13 percent of our fire departments are equipped to handle a full-fledged HAZMAT challenge. I do not think the public understands that we have fewer firefighters in our localities today than we had at the time of 9/11.

I do not think the public understands that within the homeland security agency itself, that of the 500 career slots in that agency there are 171 vacancies. The agency itself still does not have a phone directory, and one-quarter of the slots at Homeland Security are filled by political appointees.

So I think we have a long way to go in fixing these home security problems, and while I appreciate everything that the chairman has tried to do, he has not been given the resources with which to do a truly comprehensive job.

Mr. Speaker, that is why I will attempt, despite the adoption of the rule, I will attempt to offer an amendment which adds about $1.5 billion for first responders, which will add $120 million for cargo security, for additional screening and canine detection; $300 million for more explosive detection equipment; $550 million more for strengthening our border and a variety of other initiatives.

I think that if we can provide $25 billion in the Defense bill to defend the country, if we can provide that on an emergency basis, I think we need to do the same thing with respect to defending the homeland close to our own homes. So I would urge that, despite the fact that the rule allows a point of order to be lodged against that amendment, I would urge that no one make that point of order because this country needs investments which this bill does not permit us to make, and we will all be safer, certainly our constituents will be safer, if the amendment passes than they will if it does not.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3½ minutes to the very distinguished gentleman from New York (Mr. SWEENEY), who has been on the subcommittee and a very valuable Member.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for the time.

Mr. Chairman, I rise in general support. I really want to acknowledge the very difficult and great work by the gentleman from Kentucky (Chairman ROGERS) and the ranking member, and as a member of this subcommittee, as a member of the Select Committee on Homeland Security, this is a tough, tough, tough piece of work to put together, and I rise to acknowledge that. Everybody knows where I come from. I come from the State that absorbed one of the greatest hits in the history of this country. So there are real challenges here that have real life consequences.

The gentleman from Kentucky (Mr. ROGERS) is one who has gotten that, and I wanted to recognize and I think he in this bill has attempted to bring and indeed has brought as balanced an approach as we could expect in this process, and as he said, this is an evolving process, and we may have some honest disagreements among friends, but we are united on the general principles. This bill does do an awful lot of accomplishing some of the things that we need.

I rise for the purpose of engaging in a colloquy with the chairman as well. I want to thank him for participating in that, and I want to address a significant issue related to the Department of Homeland Security. That is the geospatial management issue which is a critical tool in providing homeland security.

Mr. Chairman, I applaud the gentleman's work, the committee's work and the administration in providing due attention to geospatial technologies.

Satellite imagery, aerial photography and other geospatial technologies provide data to quickly visualize activity patterns, map location and provide information to conduct analyses to help prevent or lessen the impact from an emergency situation.

Mr. Chairman, there is no single office in DHS responsible for geospatial management and, therefore, no corresponding budget. In the present structure, the geospatial information officer does not have the authority to compel DHS directorates to cooperate.

Geospatial coordination will help end duplication of geospatial activities.

A geospatial management office needs to be created and codified within DHS under the Chief Information Officer.

I am pleased to see report language stating clear and concise policy direction is needed for geospatial information and technology efforts.

Under the gentleman from Kentucky's (Chairman ROGERS) leadership, this committee supports the Department's request of $5 million to create a Department-wide geographic information system capability under the direction of the Chief Information Officer.

I would like to personally thank the gentleman for that and many other efforts in this bill and for the last several years and for his support and assistance.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman from New York (Mr. SWEENEY) for bringing this important matter to the attention of the committee and the Congress. As overseers of homeland defense and security, I believe the committee acted responsibly in supporting the Department's request to make certain geospatial information management falls under the direction of the Chief Information Officer.

Mr. SWEENEY. I thank the gentleman from Kentucky (Chairman ROGERS). As this process continues, I hope a geospatial information office is created, with a corresponding budget, at DHS.

Would the gentleman agree to work with me during conference to strengthen report language to direct the Secretary to create the Office of Geospatial Management within the CIO's office to oversee the geospatial activities?

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman would continue

to yield, I look forward to working with the gentleman as we move forward and will certainly work to strengthen the report language in conference as events dictate.

Mr. SWEENEY. I thank the chairman for all of his work, and let me just say, this is a tough, tough bit of work we have to do, an important debate, and we have one of the best at the helm, leading us in it.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE), a distinguished member of our committee, and friend.

(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 grateful to the gentleman from Kentucky and the gentleman from Minnesota for their conscientious and cooperative efforts reflected in this bill.

The bill directs much-needed resources to transportation security, Customs, and border protection, and it funds the BioShield program that will play a vital role in our preparation for bioterrorist attacks.

Given the very limited funds that the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) were allocated, theirs was not an easy or enviable task, and I fear the final result does reflect the poor hand our subcommittee was dealt.

During recent funding debates, we have often heard Republican leaders say that there are simply no funds available to provide what is needed. I suspect we will hear it again tonight.

What we will not hear them say is that since 9/11 we have spent 22 times as much on tax cuts as we have on protecting the American people from terrorist attacks. That is 22 times as much, for tax cuts mainly aimed at the most privileged people in America.

Look at the numbers. State formula grants, the bread and butter of first responder funding, have been cut by over 25 percent. Fire grants have been cut by 20 percent. Grants to our police and law enforcement have been hit hard, too. These programs were a critical source of funding for first responders long before 9/11. By cutting them, we are in effect deciding that our police and firefighters need less funding in the post-9/11 era, not more.

Listen to how FEMA describes the bleakness of this situation: A new study shows that more than two-thirds of fire departments in this country operate with staffing levels that do not meet the minimum safe staffing levels required by OSHA and the National Fire Protection Association.

Not only are our first responders ill-equipped and understaffed to handle potential attacks, they are also struggling to respond to the everyday disasters of crime and accidents and fires and hurricanes and floods.

It is true, Mr. Chairman, that this bill increases funding for the urban area security initiative. That is terrific news for a handful of big cities, and it does make sense, but first responders in rural and suburban areas and in smaller cities need support, too. Increases for this initiative are no match for the Draconian cuts in overall State grants.

Mr. Chairman, the House leadership and the President have shown incredible willpower and resolve in ramming trillion dollar tax cuts through this Congress. Yet when it comes to protecting our homeland and supporting our first responders, they say their hands are tied. They claim to be tough on terror, but talk is cheap and, unfortunately, so are Congress and this administration when it comes to supporting our first responders.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a very hardworking member of the subcommittee.

Mr. WAMP. Mr. Chairman, I thank the chairman for the time. I appreciate not only the gentleman yielding me time but just his extraordinary time over this last year and a half since we began this new subcommittee here in the House.

The gentleman who just spoke is a very thoughtful, well-educated and very energetic member of the subcommittee, and as we have worked through all these issues over the last year and a half he has been very helpful, but what he just said is drivel, drivel.

The fact is tax cuts are one issue that helps the economy. It is a policy matter that was made by the Congress. This is homeland security, where we have spent billions of dollars and done extraordinary work. It is nonsense to bring up the tax issue while we are talking about appropriating the money for homeland security. That is a fact. That is a different debate for a different day, but this is also not cost sharing with local government from the Federal Government. We cannot do everything, and for a lot of people on this side we cannot appropriate enough money. It does not matter what the level is, they will want more, and they will play politics with this issue because they think it can resonate, and this is unfortunate because the best work here is when we get together and we do what is right, and that is what we are trying to do on this side of the aisle.

The chairman and his staff have done an extraordinary job. Now I am not totally happy with the Department of Homeland Security at all, and my colleagues know that at the hearings I have been very hard on the Homeland Security Department, particularly in the Science and Technology Directorate, and they need to hear us long, loud and clear. They need to do a better job, but overall, I have to tell my colleagues, this subcommittee has done extraordinary work.

Our intelligence work is dramatically better than after September 11. We are allocating the money to the best of our ability, but it is not a bottomless pit, and when my colleague talks about reports that show that firefighting organizations around the country do not have everything they want or need, there are 55,000 local law enforcement and firefighting organizations in this country, and the Federal Government cannot fund them all with everything they need. The responsibility still lies at the local and the State level, and this subcommittee has done an extraordinary job, and the Congress has a balanced approach, and this is not a bottomless pit.

I just want to say that we are at a critical juncture going into the next several months in this country with events that are very important, and I think it is important that we pull together. I hope this subcommittee can stay above some of the mindless kinds of rhetoric that comes to the floor when we pass important appropriations bills, and I hate to hear some of the most educated and informed Members dumb this down to a debate over tax cuts versus necessary spending.

This is necessary spending, and we are meeting those needs. I want to applaud the leadership. Our chairman and his staff have done an excellent job. Secretary Ridge is doing an excellent job. We still have miles to go before we get there, but we are on our way.

Mr. SABO. Mr. Chairman, I yield 15 seconds to my friend the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I regret that the gentleman from Tennessee would not yield for a question, but let me just say a couple of things.

One is that no matter how heated this debate gets I will never call his comments drivel, and if my tongue happened to slip and I used that term, I assure him I would apologize.

Secondly, I want to note that the gentleman's notion that the budget allocation, which is what I was talking about, the budget allocation given the Homeland Security subcommittee, is not related to revenue policy, is a noval concept. You do not have to have a whole lot of education to understand that the size of tax cuts determines how much money there is to allocate.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

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Mr. OBEY. Mr. Chairman, let me simply say that the idea that how much money is allocated to tax cuts is totally unrelated to how much money is left for homeland security or education or health care, the idea that those things are unrelated is absurd and preposterous. The fact is that unless the deficit is totally meaningless, and I do not think it is, then if you put all of your eggs into the tax cut basket, especially if you provide so much of them to people who make over $200,000 a year, then that indeed does

have an effect on what is available for port security, what is available for the northern border security, what is available for first responders, and if the gentleman does not understand that, then I think we need to set up a new grade school on Capitol Hill.

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

Let me say to the gentleman from Tennessee (Mr. WAMP), I think I know a little bit about budgets, having spent some time doing that, at a time when we passed budgets that reduced the deficit and we had some tough requirements on spending, and raised revenues to make the deficits go down.

The reality is that the most important decision in a budget resolution is the total amount set for discretionary spending. That then governs the decisions we have to make on this bill and the other 12 bills that we have before the Congress. If that budget resolution has an unrealistic number for the total discretionary spending, it limits every option we have.

I think I and others have been clear that this bill represents an improvement over what the President asked for, that it has reasonable choices within the dollar allotment that this committee has given. I think the chairman has done an excellent job. I would not share his enthusiasm for how good the Department is going, but he is also tough on them at many times.

But there is also one other thing that we do, and that is we say there are certain expenditures that are emergencies and go above and beyond the normal budget process. Since 9/11, we have appropriated billions of dollars as emergency expenditures for our friends in New York, for operations in Afghanistan and Iraq, I think with unanimity on the expenditures in Afghanistan, division over our operation in Iraq, but then again significant support for our troops whether we agreed or disagreed with that policy.

Just the other day in appropriations, we appropriated $25 billion more of emergency spending beyond the normal defense appropriation for next year for operations in the Middle East, and we know that number is going to increase. What some of us are saying is that there are significant security gaps that we should deal with in this country and we should have a modest amount as emergency spending.

The gentleman from Wisconsin (Mr. OBEY) asked for $3 billion for rational things to do, disciplined things to do, in comparison to the billions and billions we are spending outside this country. That is legitimate debate. It is legitimate options that we could do, and some are choosing not to do that. If we declared it emergency and appropriated that $3 billion, it could not be spent unless the President decided to spend it.

So what we are talking about here is not irrelevant, it is important and there are distinct differences; and those differences do not diminish our respect for the quality of work done by the chairman and the subcommittee.

I would just suggest do not belittle the opinions of lots of people in this place that there are significant security gaps in domestic security, echoed by all kinds of experts outside this institution that we are not dealing with.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the chairman and friend from Kentucky for yielding me this time, and commends him and all for crafting an overall good bill.

It was brought up earlier how in this comprehensive bill there is time for honest disagreement, and I think later on this evening we will try to have a good conversation about that honest disagreement, and it relates to essentially how funding goes to what we will call high-threat areas as opposed to minimal guarantees for States and funding that some of us believe could be better spent in areas that can use it more and more effectively, like New York City.

By way of example, if we were to talk about enhancing our national security, and some Member suggested putting an aircraft carrier in the Great Salt Lake, somebody would probably think that is a little ludicrous, and we would say let us put the money where it is needed most.

While we are here trying to advocate more funding, bluntly for places like New York City, because that is where the funding is needed the most, Exhibit A for that clearly was September 11, and the Congress and the President and all united to help New York recover, but it still represents the terrorists' number one threat. The Federal intelligence community has confirmed this fact.

I think the President's budget also recognizes the need to prioritize funding in these areas by calling for $1.4 billion in the urban security initiative, $450 million more than the House bill. September 11 is not unique in New York. The first bombing of the Trade Center occurred in 1993. In between there was a conspiracy to destroy the Holland and Lincoln Tunnels, the George Washington Bridge, the United Nations and the Federal Building in Lower Manhattan, as well as a plot to bomb the subway.

Attacks in high-threat, high-density areas have great national economic impact in those areas as well. A Milken Institute study concluded, ''Disaster in New York affects business confidence in every major city,'' unlike events elsewhere. The study estimates a GDP decline of 1 percent and a loss of 1.6 million jobs nationwide because of the September 11 attacks on New York. For example, the financial service industry lost 96,000 jobs nationwide due to the attacks in New York, home to most the industry's headquarters, but two-thirds of those losses occurred throughout the country.

Our areas require intensive police coverage. New York City has 1,000 police officers dedicated solely to homeland security missions. The police department spent $200 million last year for these efforts. Despite the large sum, the police department alone has identified an additional $261 million in training needs, equipment and supplies directly related to counter-terrorism.

Given the vital needs, we would argue for more funds because that is where it is needed the most. Let me underscore, and this is not to take away from the great work of all people and their considerations, but homeland security, this is one home, not 50 different homes but one, and we are talking about security and we just appreciate a little more funding where it is needed in New York and elsewhere.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), a member of the full committee.

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

Mr. OLVER. Mr. Chairman, it is 33 months past now since 9/11 and it is time for this Congress to coldly examine our progress in reducing the threat of terrorist attack. Even though we are spending a lot more money 33 months after 9/11, only a minimal percentage of cargo on passenger flights are screened for explosives. We do not require chemical plant vulnerability assessment and security plans as we do require for nuclear plants.

We will have 20 percent fewer sky marshals in the air than 2 years ago. Thirteen million Americans use passenger rail systems each day, yet we have not taken appropriate steps to strengthen rail security. We have only hired two-thirds of the people that the PATRIOT Act mandated for protecting the northern border. We have invested only one-tenth of what is needed to protect our ports, and our first responders still lack the valuable tools they need to save lives.

The agencies entrusted with protecting our great Nation seem to be in bureaucratic chaos. Just a couple weeks ago, Attorney General John Ashcroft of the Department of Justice surprised the Department of Homeland Security by announcing that a terrorist attack is likely during the next few months. It turns out they had not communicated with the Department of Homeland Security, and in fact did not have any particular new evidence for such an assertion. Problems like this keep coming up and they will simply not work themselves out.

It is time for this body to determine the most critical security needs based on comprehensive terrorist threat analysis. We must fund those most critical needs properly and put an end

to this haphazard, seat-of-the-pants approach to our domestic security policy.

The gentleman from Wisconsin (Mr. OBEY), the ranking member, offered an excellent amendment during markup in the full committee, and he will offer a similar amendment on the floor today to add $1.5 billion to specific, seriously underfunded accounts in this bill. The Obey amendment will move us part way, but only a small part way toward properly funding our homeland security needs. Given what is at stake with this issue, we cannot afford to be funding homeland security on the cheap.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), a very hard-working member of this subcommittee.

Mrs. EMERSON. Mr. Chairman, I rise today in support of this bill, and I really want to thank the chairman for doing an exceptionally good job in putting this bill together, for lots of reasons, but primarily because the basic formula grants have been raised by $550 million, $36.7 million of which goes to the State of Missouri.

Because I represent a very rural district, 28 counties, I have no large cities, the largest city in my district is 33,000 people, it is the premier agricultural district in Missouri. It is one in which, if I was a terrorist, I would want to take advantage of the psychological fear that I could use to impact the entire population of rural America.

We have heard time and again that hundreds of U.S. Department of Agriculture documents have been found in abandoned al Qaeda caves. It is also reported that a significant part of the al Qaeda training manual is devoted to agricultural terrorism. This is a frightening fact when Members recall the purported terrorist interest in crop dusters, and there are probably 150 crop dusters running every single day in my district during this particular season.

Our food supply comes from rural areas and that is one big reason to make sure that our rural areas continue receiving some level of homeland security funding. Nobody is immune from terrorism. While I think it is so very important and critical to protect our high-density urban areas, just remember that the food supply is something that is important for every single person in this country. We rely on that food supply to be safe and secure. It is very easy, it is very much easier to disrupt a food supply than it would be to cause an incident oftentimes in a high-density area.

I think of the Mississippi River. That is my eastern border. We have millions of tons of chemicals and fertilizer moving up and down the river on barges. Not only does that present a clear danger and threat if tampered with, but it is just important. I think that the chairman has put together a very balanced bill, one that recognizes the needs of rural America as well as our urban cities. I ask all of my colleagues to support this bill. I thank the chairman for really treating all of the country fairly.

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Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER) who has done an outstanding job as the ranking member of the Select Committee on Homeland Security.

Mr. TURNER of Texas. I thank the ranking member for yielding me this time, and I appreciate the work that the chairman and the ranking member have done on this bill.

Mr. Chairman, all of us in this Chamber know that we have to work together in a bipartisan way to make the homeland as safe as it needs to be from the threat of terrorism. We also know that we are a country at war against al Qaeda and related groups. It is a war that demands we fight the terrorists wherever they exist. It is a war that demands we commit ourselves through our actions abroad to prevent the rise of future terrorists. And it is a war that requires us to ensure that our homeland is fully protected.

This cannot be business as usual. We must act with the same sense of urgency that we all had after September 11. As we look at these appropriations for the next year, our actions will demonstrate to the American people whether we are moving with the degree of speed that we need and the sense of purpose that we must have to protect our country.

The proposed increase for the Department of about $1 billion above the President's request is important and necessary, but we must put that $1 billion in perspective. We spend $1 billion a week in Iraq. We have committed our troops to winning that war. But we must also win the war against terrorism here at home. The cost of failure here at home would far exceed the investments we should be making to ensure that America is as secure as it needs to be.

Annual spending on homeland security still amounts to less than one-half of 1 percent of the gross domestic product. Since 9/11, we have increased the level of annual spending on the agencies that now make up the Department of Homeland Security by about $15 billion. During that same period, the annual increase in our defense budget has been about $100 billion. We must devote the resources we need to win the war on terror abroad, but we must also invest in the homeland security needs we have here at home.

The truth is, Mr. Chairman, the President's request, and this appropriations bill, will not close critical security gaps that we continue to face. For example:

This bill fails to provide the additional $200 million needed to ensure that nuclear materials and dirty bombs can be detected at all of our seaports and border crossings by next year;

It fails to provide sufficient funding—at least $1 billion—to improve the security of our rail and public transit systems;

It fails to provide over $400 million that the Coast Guard says it needs to protect our Nation's ports.

It does not provide sufficient funds for airports across the country to upgrade or install explosive detection systems;

It does not provide the $100 million needed to increase the number of personnel who guard our Nation's northern and southern borders; and

It fails to provide the needed communications, equipment and training for our Nation's first responders.

Later today, we will consider an amendment by Mr. OBEY of the Appropriations Committee that seeks to add $3 billion in additional resources to correct these and other shortfalls. I strongly urge all of my colleagues to support this amendment.

In the war against al Qaeda, we must provide ALL the resources required to protect the homeland. We cannot fail on any front. However, the total amount proposed for the Department of Homeland Security for next fiscal year will not meet our constitutional responsibility to provide for the common defense.

Mr. Chairman, the limitations imposed on our homeland security efforts is a direct function of choices that we make. If we want to take faster and stronger action to close the security gaps we face, we could do so. The American people are watching the choices we make and if the terrorists strike again and we are not ready we will be held accountable.

Mr. SABO. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank both the chairman of the committee and the ranking member for doing a job that is very tough. I rise tonight to address a problem that is important for first responder training in very urban areas. I represent a district in Houston, in Houston's energy and port complex, a supercritical infrastructure for our Nation's economy. Houston is currently the only city in America that meets all 15 Federal threat criteria for a terrorist attack, and as such a coordinated public safety effort in the Houston area is critical.

Houston Community College, a Historically Black and Hispanic Serving Institution, has planned a public safety institute that would help in coordinating the training of all our local first responders, both city, county, fire, police, everyone, port security. The public safety institute would do a great deal in providing that uniformity of training from local and regional police and EMTs, private sector, port, trains, even Federal agencies such as the Coast Guard, FBI and Border Patrol.

Houston Community College is hoping some day to have 40 percent Federal funding with a 60 percent State and local and private match. I know there is no construction funding in this bill except for Federal law enforcement centers, but I would hope we would see something like this cooperative effort, particularly in a city in an industrial area like Houston.

Mr. BRADY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Texas.

Mr. BRADY of Texas. I first want to thank the chairman and ranking member for their leadership on this issue and say that I fully support their efforts to make our Nation more secure. The gentleman from Texas (Mr. GREEN) has been a champion of the public safety institute. I fully support this effort. I hope the chairman will take this great idea into consideration.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, there is probably no issue that we will be debating in this session which has more significance to me or the other members of the New York delegation than the entire issue of funding for homeland security. In my district and in adjoining communities, we lost hundreds and hundreds of people on September 11. We have to do all we can to make sure that that never occurs again.

I commend the chairman for the work he has put into this bill; but later this evening, the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. FOSSELLA), and I will be offering the point and making the case why we believe more money should be allocated to high-threat areas such as New York. New York City, the downstate areas, and the entire State are running up well over $1 billion in expenses related entirely and just to homeland security and counterterrorism. This is a threat which must be met, and it is an issue which is going to be discussed later this evening. I look forward to that opportunity. I thank the chairman for giving me the opportunity to raise these points at this time.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO), a member of the authorizing committee for a significant part of this bill.

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

Mr. Chairman, in response to the earlier debate, there is a relationship between everything we do here and everybody knows that. We have to make tough choices every day. We have to choose between budgets and priorities. Plain and simple, this administration and the Republicans on that side of the aisle have said that tax cuts for the wealthy are a higher priority than adequate funding for first responders. My first responders are crying out for interoperable communications. What was the response of the Bush administration? Zero. They zeroed it out of the budget this year. I cannot even try and add money back into it because it does not exist anymore in the Federal budget. That is the number one priority of the police and fire in my State.

Who are we going to call? Who are going to be the first people there? Not the Army, not the military, not any Federal agencies. It is going to be our local responders. And they are not even going to be able to communicate among one another, let alone with State or Federal authorities. This bill does not have enough money to meet the homeland security needs of this country.

In addition, there is another choice. We are going to spend twice as much money on the Star Wars fantasy, a weapons system that does not work, as we are going to spend on all the border and port security for the United States of America. There are tough choices, and you are making the wrong decisions.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the ranking member for the work done and the chairman.

Mr. Chairman, I know this is a hard task. As a member of the authorizing committee, the Select Committee on Homeland Security, I would just simply say that the greatest challenge is to secure the homeland; and in the backdrop of the 9/11 Commission reports, we find out that the FAA did not readily have the ability to contact the United States military when the airplanes were in the air. But I think what is most important is that we secure homelands outside of the Beltway. We need more money for a citizen corps, to establish them in our neighborhoods, which is an amendment that I have. The Houston Community College, which I support, my colleague from Texas wants and needs more money for training of first responders. I think it is imperative that we engage historically black colleges and community colleges that serve Hispanics and African Americans to train them in these issues. And I think it is clearly vital for us to realize that with a number of border initiatives, there needs to be more resources utilized not only for the idea of protecting the border but when you have them under adjudication. And so I believe that we need more money, frankly, and we need more money for threat assessment for these larger communities.

Mr. Chairman, I rise to discuss the Homeland Security Appropriation Act of 2005, H.R. 4567, and express important concerns on this important funding.

It is imperative that this body provide the $16 million necessary for the construction of the Houston Community College Public Safety Institute. I want to take this opportunity to thank Congressman GENE GREEN in particular on taking the lead on this vital issue. It was through his leadership that this request was originally made to the Subcommittee on Homeland Security on the Appropriations Committee.

I also want to commend Subcommittee Chairman HAROLD ROGERS, Ranking Member MARTIN SABO and all the Members of the Subcommittee for the work and effort they put in to make sure that our Homeland Security efforts are properly funded. However, if we are to demonstrate to the American people that after the horrendous attacks of September 11th that the American government is truly taking a comprehensive approach to Homeland Security then initiatives such as the Public Safety Institute (PSI) must be undertaken.

It is vitally important that facilities and services at the local level be properly prepared to deal with emerging Homeland Security needs. In this vein, Community Colleges and HBCUs can serve as perhaps the ultimate ground for protection of local communities. These educational facilities have campuses and the facilities necessary to help train and incorporate first responders, who are crucial in the area of Homeland Security.

While we take many measures on the Federal and State level to ensure Homeland Security, we must also make certain that the security needs at the local level are met. It is with this knowledge in mind that the Houston Community College (HCC) seeks to construct the PSI both for the Homeland Security needs of the city of Houston and as a model for effective vigilance at the local level.

In the city of Houston, one of the largest, most populated, and most active cities in America, there is no doubt that the PSI is necessary. In fact, Houston is the only city in America that meets each of the 15 Federal threat criteria for a terrorist attack. We cannot allow the people of Houston or any major city in America to have their public safety compromised.

In a judiciary markup of the First Responder bill, H.R. 3266, I intended to offer an amendment to better assure that States fulfill their responsibilities to provide Urban Area Security Initiative (UASI) funds to local entities, governments, and first responders in a timely manner.

Based on recent experience with the rounds of UASI funding that has passed through States, many UASI designees have experienced great difficulty in accessing and spending their funding.

For example, the Houston metropolitan area still is awaiting its Round 2 UASI sub-recipient agreement from Texas. Without that State action, the city and counties cannot finalize their bids and execute contracts for equipment and training already identified and approved in their regional strategic plan. That is nearly $20 million being held up in the pipeline for expenditure, Mr. Chairman.

It is ludicrous that H.R. 4567 proposes to appropriate only $1 billion for discretionary grants for use in "high-threat, high-density" urban areas and for rail and transit security.

The PSI will serve a needed function in the city of Houston, which while being ethnically diverse is also very diverse in terms of its geography and makeup. These sets of circumstances require specialized training, the kind of training that only a facility like the PSI can provide. The $16 million Federal appropriation would assist the Houston Community College (HCC) with the development and construction of a training complex to house the PSI, an expanded, technologically sophisticated regional training center. In particular, the PSI will include classrooms, a firing range, a simulated skills village, a burn building, and a hazardous materials center. Additionally, the PSI will include a driving track physical education center command center and dive pond. These facilities will serve local and regional police, fire and EMT departments, the Port of Houston, the city's airports and railroads, Houston's chemical and petroleum industries, as well as Federal agencies including Coast Guard, FBT, Border Patrol, Customs and Disaster Recovery. At this point I would hope that

it is abundantly clear the need for the PSI facility in the city of Houston.

Currently, HCC trains over 250 EMTs, 300 fire-fighting cadets and 200 police cadets annually in order to meet Houston's Homeland Security needs. The current HCC facilities are used to train an additional 1,000 police and firefighters, and the PSI would serve an additional 2,000 local police, firefighter and EMT personnel. Let me be clear, the PSI is not an experimental exercise for possible Homeland Security needs. The PSI is in fact the kind of facility that can help public safety officials prevent terrorist attacks both now and in the future. This $40 million, 25-acre complex will represent the cooperative relationship between Federal, State, and local law enforcement that was missing in the time before September 11th. In so much as this is an effort that affects the Federal, State and local levels, HCC has requested support from the city of Houston, Harris County, the State of Texas, as well as private contributors, to fund the $24 million non-Federal share of the project.

Mr. Chairman, I hope everyone in this body will recognize the need for this facility. The people of Houston and indeed the people of the United States deserve to know that all necessary measures are being taken to protect their well being and the future of this Nation.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to remind the Members that out of courtesy to our colleagues, we operate under time limits. It is only courteous to make a good-faith effort to adhere to those time limits.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), a member of the Select Committee on Homeland Security, the authorizing committee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of this legislation and praise both parties for their outstanding work on homeland security. The chairman has done an absolutely fantastic job in bringing together the appropriations necessary to fund our homeland security operations, and I appreciate the work of the ranking member as well.

Mr. Chairman, prior to 2000, there was not a dime of Federal money for the Nation's first responders for firefighters. Not a dime. In 2000, 1 year before 9/11, it was this body that began that funding through the Assistance to Firefighter grant program. It was this body who did that. In the past 3 years, this committee has appropriated $2.1 billion to 17,000 out of 32,000 fire and EMS departments nationwide. Large and small, they have applied directly. There is no middle person. There is no agency. They evaluate the grants themselves. There is no politics in it. It is the most successful program that Congress runs today because it works.

In the area of interoperability, it is the number one priority. In this bill, the chairman has money, the Congress, that Chairman Ridge is authorizing so that cities and States across the country are now implementing interoperable plans. It is a priority. There is funding going for that purpose. Every fire department in America, all 32,000, look at the work that has been done by this Congress with pride. Granted we may not have all the money that everyone wants, but no committee in this Congress, especially on the appropriations side, has begun to address local needs the way this subcommittee has. I applaud the chairman for that, and I applaud the ranking member. It has been a bipartisan effort. On behalf of the firefighters of America, I say to all of you, thank you. Keep up the good work.

Mr. SABO. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

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

Mr. WYNN. Mr. Chairman, the praise that we heap upon our brave first responders and firefighters is no substitute for adequate funding. That is why I am appalled that after more than 2 years this bill comes to the floor and cuts first responder formula-based grants by $440 million. It also cuts firefighter assistance by $146 million, a 20 percent cut. This is not about some Democratic wish list. The Council on Foreign Relations report indicates that local first responders need about $98 billion to meet our country's needs.

It is my view that as the majority party, the Republicans control the purse strings and set the priorities, and they are responsible for making sure we have adequate funding. The Washington metropolitan area is a key target. My district in the suburbs has first responders that will have to come to the aid of our citizens in the event of an attack. But suburban communities such as Prince George's need millions for radio communications, training for first responders, $15 million for emergency response centers. In Montgomery County, we need funding for urban search and rescue teams, teams that responded on September 11. But this bill cuts $57 million out of urban grants for urban search and rescue teams.

The point is we can do better. This is about homeland security. This should be a major priority. And, yes, tax cuts for the very wealthy do relate back to the fact that we have not put enough money into our homeland security funding. And so what I am here to say is I think both the chairman and, of course, the ranking member are well-intentioned, but we need to put more money in this bill to protect our homeland.

Mr. SABO. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. WOOLSEY).

The CHAIRMAN. The gentlewoman from California is recognized for 1¼ minutes.

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Ms. WOOLSEY. Mr. Chairman, our first line of defense against terrorist attacks would be our first responders, our police, our fire, our health care workers. They are the first on the scene. They must be prepared for whatever emergency arises, but despite the President's rhetoric supporting first responders, his 2005 budget cuts $800 million from first responder grants, and the bill before us tonight cuts 7 percent of the funding for local emergency personnel. This is going in the wrong direction, and it is because of the tax cuts for the best off in the country. If we were not doing that, we would probably have enough money for those programs.

While we need at least $98 billion to meet the demand for self-contained breathing units or protective clothing or hazardous chemical attacks, the Federal Government is providing less than 15 percent of these critical funds. Who will pay for this? Local governments of course.

Mr. Chairman, funding for first responders is crucial because they need to protect our local communities, because they are the ones that are first in line of defense. We are short-changing them. They are our brave men and brave women. They are parts of our communities. They protect our communities, and we are short-changing them while we are cutting taxes for the very best off in this Nation. Shame on us.

Mr. NUSSLE. Mr. Chairman, I rise to speak on the appropriations process for fiscal year 2005 and the Homeland Security appropriations bill in particular. The actual appropriations process commenced on May 19, when the House agreed to a budget resolution that established an overall limit on appropriations for fiscal year 2005 of $821.9 billion, excluding emergencies. This limit was developed in the context of a freeze on non-defense, non-homeland security discretionary spending. The Interior and Homeland Security bills we are considering this week mark the first steps in establishing our priorities in discretionary spending programs within the overall limit established by the budget resolution.

The budget resolution provided a total allocation for discretionary appropriations of $32.0 billion for Homeland Security in fiscal year 2005, demonstrating the high priority that the House is placing on this vital area. This amount includes $2.5 billion in advance appropriations that were previously enacted for Project BioShield.

While there has been much discussion about the other body not achieving an agreement on the budget for the coming year, this House has done its job in adopting the Concurrent Resolution on the Budget for fiscal year 2005, and deeming it to be in effect in the House by a separate vote. Now the appropriations process has begun pursuant to that framework.

Today we consider the second of these appropriations bills, H.R. 4567, the Homeland Security Appropriations Act of 2005. This is only the second time this chamber has considered a separate appropriation bill for the Department of Homeland Security, which consolidates 22 Federal agencies and its 180,000 employees.

The discretionary spending levels in this important measure are consistent with the limits

in the budget resolution for fiscal year 2005. The bill provides $32.0 billion in appropriations, an increase of $2.8 billion or 9.4 percent above the previous year's level. Fiscal year 2005 Homeland appropriations in H.R. 4567 are equal to their 302(b) allocation, and the bill is also consistent with the budget resolution.

H.R. 4567 does not contain any emergency-designed BA, which is exempt from budget limits. It rescinds $33 million in previously-appropriated BA.

By increasing Homeland Security funding $1.1 billion above the President's fiscal year 2005 request, this bill demonstrates the House's strong commitment to win the war against terrorism. Consistent with the Budget Resolution, the bill provides resources in areas like Local First Responder funding, Border and Transportation Security, and Science and Technology. This bill will enhance the Nation's ability to secure our borders, protect lives and property, and disrupt terrorist financing.

I am pleased the Appropriations Committee was able to meet a critical need in the fiscally responsible manner outlined in the budget resolution. As we enter the appropriations season, I wish Chairman Young and our colleagues on the Appropriations Committee the best as they strive to meet the needs of the American people within the framework established by the budget resolution.

Mr. ROGERS of Kentucky. Mr. Chairman, I have no further requests for time, and 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. 4567

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, 2005, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $80,227,000: *Provided,* That not to exceed $45,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $179,806,000: *Provided,* That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further,* That of the total amount provided, $65,081,000 shall remain available until expended for costs necessary to consolidate headquarters operations at the Nebraska Avenue Complex, including tenant improvements and relocation costs.

AMENDMENTS OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. WELDON of Pennsylvania:

Page 2, line 16, insert after the dollar amount the following: ''(reduced by $50,000,000)''.

Page 25, line 24, insert after the dollar amount the following: ''(increased by $50,000,000, which increase is available for grants under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a))''.

Mr. WELDON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to consider this amendment en bloc.

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

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Chairman, this amendment has been worked carefully with the distinguished leader, the chairman of this committee, the ranking member, the distinguished gentleman from Maryland.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) will suspend.

The gentleman from Minnesota.

Mr. SABO. Mr. Chairman, unrelated to the gentleman from Pennsylvania's amendment, I think the gentleman from Texas (Mr. TURNER) had an amendment right prior to that, and I think he was standing right here.

I ask unanimous consent that the gentleman from Texas (Mr. TURNER) be allowed to offer his amendment after the gentleman from Pennsylvania (Mr. WELDON).

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that we take up the Weldon amendment now, then the Turner amendment and then the regular order.

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes on his amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, this amendment I am offering on behalf of myself and the gentleman from Maryland (Mr. HOYER) and a number of other Members, and I want to thank the distinguished chairman and ranking member for their cooperation and support, both in the subcommittee and the full committee.

This is a very important amendment, Mr. Chairman, that takes $50 million out of the homeland security personnel account and transfers it into the SAFER program, which provides SAFER grants for the 32,000 fire and EMS departments across the country to deal with the issue of staffing.

Mr. Chairman, as I mentioned earlier, it was this subcommittee who did so much to provide over $2.1 billion over the past 3 years to 17,000 fire and EMS departments in America to allow them to purchase needed equipment, firefighter breathing apparatus, interoperable communications, apparatus and trucks and vehicles, safety training, training for the firefighters, a whole host of activities.

This grant program has been so successful, and I know that every Member of Congress understands the impact in their district, because there is no politics in it. The evaluations are done by firefighters themselves, who volunteer to come to Washington and review all the applications.

In the first year of this program, we had over 30,000 applications from 32,000 departments.

Mr. Chairman, this legislation establishes a program to deal with the personnel issues. It allows paid departments to hire additional firefighters and paramedics and allows them to phase out the Federal portion over 4 years and then make a commitment to pick up the cost of that firefighter after that time period, but unlike other programs, like the COPS program, this program is administered and evaluated by their peers. There is no process of agencies. It is done by people involved in the fire service.

Mr. Chairman, why is this so important? Each year in America, we lose 100 firefighters who are killed in the line of duty. There is no occupation in America that has 85 percent of those 100 people who volunteer who die in the course of volunteering to serve America. Our military personnel are paid, our police officers are paid, some of our firefighters are paid, but the bulk of them are volunteers.

This program provides dollars so that volunteer fire departments can recruit more volunteers, so that volunteer departments who need paid drivers can bring in paid drivers, and so that paid fire departments who are woefully understaffed can finally have the beginning of the resources they need to properly protect their cities. This legislation does so much more than just provide protection for the homeland. It allows our emergency responders to deal with fires but also deal with terrorist incidents, HAZMAT incidents, all the typical concerns that we have across America.

I want to thank the distinguished chairman for his cooperation. He is a hero to the fire service of America. I

want to thank the ranking member and all of our colleagues, and I would ask that we get the vote not just for this amendment but also hopefully for the entire legislation with broad bipartisan support.

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, the gentleman has worked tirelessly on this effort, this amendment, and the SAFER funding, and the committee thinks this is a wise move. Our first responders are in great need, and we depend upon them, and I am happy to accept his amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for his response.

Mr. HOYER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) and me.

The gentleman from Pennsylvania (Mr. WELDON) and I have for many years had the great honor of cochairing the Fire Service Caucus, which is the largest caucus in this House. I notice that the gentleman from New Jersey (Mr. PASCRELL), another cochair, is on the floor as well, the gentleman from Michigan (Mr. STUPAK), the gentleman from New Jersey (Mr. ANDREWS), who has been a cochair of the Fire Service Caucus, and others who have been strong supporters of the fire service, the emergency medical response teams, and when I say the fire service, both the paid professionals and the volunteer professionals who do such an extraordinary job in our community.

It has been said that there have been cuts in this bill to fire service assistance, and that is true. I know the chairman and the ranking member have fought very hard because the funds that they have available to them are limited. And I want to thank the chairman, as has the gentleman from Pennsylvania (Mr. WELDON). I want to thank the gentleman from Minnesota (Mr. SABO), ranking member, for agreeing to work with us to offer this $50 million to the SAFER funding, which will provide additional dollars for personnel for both paid and volunteer departments which is so critically needed in the country today.

So without further prolonging the debate, I want to thank the chairman for facilitating the adoption of this amendment.

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

Mr. Chairman, I want to as well applaud and acknowledge the work of the subcommittee chairman on this funding for the SAFER Act. It is something that we worked together with the gentleman from Maryland (Mr. HOYER) and others through the subcommittee process, through the full committee markup. It is an important piece, an important effort. The $50 million is going to go a long way to maintain and preserve some essential services in some of the key and critical areas. And it was not an easy thing to do, and I think it is important. I am strongly in support of this.

Last year Congress enacted a new authorization as part of fiscal year 2004 DOD, an authorization bill known as the SAFER Act. It provided funds to hire up to 75,000 new firefighters. These are people critically needed in important places.

When I spoke earlier, Mr. Chairman, I talked about how balanced this was, how tough this bill was, how there were some really tough decisions in it, and this is a chairman who worked hard to find the right balances and find the right equities, and here is an instance where he did that, and I want to applaud him for that.

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

Mr. Chairman, I would like to commend the gentleman from Kentucky (Chairman ROGERS) for his support of this amendment, for all the hard work he has put into bringing this bill to the floor, and likewise I want to publicly acknowledge the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Maryland (Mr. HOYER) for the exemplary leadership they displayed on behalf of the firefighters and fire community all of these years, as well as for their tireless efforts in navigating the newly established SAFER program through Capitol Hill.

Indeed, this amendment helps us fulfill our promise to the firefighters nationwide. The dangerous crisis of inadequate staffing in our Nation's fire departments must be confronted head on. This amendment does exactly that.

While we all know the statistics, I think they are disturbing enough to warrant further discussion. Two-thirds of all fire departments throughout America operate with inadequate staffing, and we are talking about career and volunteer departments. In communities of at least 50,000 people, 38 percent of the firefighters are regularly part of a response that is not sufficient to safely initiate an interior attack on a structure fire. Twenty-one percent of rural departments are often unable to deliver the four firefighters needed to safely initiate an interior attack. This is not acceptable.

The firefighters whose bravery and valor protect our Nation deserve all that we can present here. The consequences of insufficient personnel levels often lead to tragic heartbreaking results, Mr. Chairman, and it is imperative that Congress addresses this issue.

This amendment, which appropriates $50 million to the SAFER program to provide grants to help hire, recruit, retain career and volunteer firefighters, is vital in this regard.

Again I would like to thank the chairman and all the members of the Fire Caucus for the support shown towards this amendment, and I wish to thank firefighters for everything that they do day in and day out.

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

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

Mr. ANDREWS. Mr. Chairman, I want to add my voice to personally thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Mr. SABO), ranking member, for their leadership and hard work on this. I know that the chairman has many competing priorities, and I know that he has done a masterful job in accommodating this very important priority, and I personally thank him for that. I thank the gentleman from Pennsylvania (Mr. WELDON), my friend and neighbor, without whom none of this would have happened, the gentleman from Maryland (Mr. HOYER) for his skillful legislative work in bringing all this together and making this happen, the gentleman from New Jersey (Mr. PASCRELL) for his energy on this issue at all times. I am honored to be part of it.

Let me just make two brief comments. Two things we can be sure of: The first is when the next terrorist attack hits the United States the people who will benefit from this program will be the first ones to show up. They will be the first ones there, and because they are given these additional resources I am confident they will do an even better job than they already do.

The second thing we can be sure of is that we will get every nickel's worth of value out of this $50 million. The paid departments, fully paid departments, are used to stretching every dime, and they will get maximum personal value out of this, and the largely volunteer departments, any small bit of money for people that make money by washing cars and running beef and beers, any bit of money is going to help them expand their ability to protect the community. So I am very grateful to the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Mr. SABO), ranking member; the gentleman from Maryland (Mr. HOYER); the gentleman from Pennsylvania (Mr. WELDON). I ask enthusiastically support the amendment. I ask for a large bipartisan vote.

□ 2045

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

Let me add my appreciation as well, as I did in my earlier remarks, to the chairman and ranking member and as well the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Maryland (Mr. HOYER), whom I have seen on the first lines of helping first responders and firefighters for all of the time I have been here.

The first group that I met with after 9/11, after being able to get home to Houston, were firefighters, EMS and other first responders. Clearly, not only were they eager to find out how

they could help further and establish a concrete way to be really first responders all the way and all the time, but they were committed to their brethren, their fallen brethren in New York and all around, who were then on the frontlines on 9/11. Their sympathy and their concern still is extended to those who lost their lives on that day. But they have never wavered from their commitment to rise to the occasion whenever they are called.

It is clear now with the hearings that we are unfolding and the report of the 9/11 Commission that we will need, more than ever, the attitude and the appropriate resources, the appropriate attitude and resources for this United States Congress to share with our first responders around the Nation.

Firefighters are on the frontline; and this particular legislation, both the authorization and now the funding, ensures, if you will, the continuation of our support for firefighters around this Nation.

I simply wanted to thank the proponents of the amendment for crafting it such that it will pass; and, two, the ranking and chairperson of this appropriations bill for allowing this funding to go forward. Most of all I want to offer my thanks for the local community firefighters that I work with on a daily basis and the fact that they are still working.

If I might add something, I just simply hope that we can look at our hazardous materials teams and reflect on the increasing needs that they have. No matter how much money they get, there is an increasing need.

But my thanks go out to those who have managed to secure this funding on behalf of our firefighters.

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

Mr. Chairman, I support the amendment, and I am ready to vote.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TURNER OF TEXAS

Mr. TURNER of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TURNER of Texas:

In title I, in the item relating to ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'', insert after the first dollar amount the following: ''(reduced by $450,000)''.

In title II, in the item relating to ''CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES'', insert after the first dollar amount the following: ''(increased by $450,000)''.

Mr. TURNER of Texas. Mr. Chairman, this amendment which I bring before the committee is one that has been supported by many Members, particularly the gentleman from Texas (Mr. REYES), the gentleman from California (Mr. HUNTER), the distinguished ranking subcommittee member, the gentleman from (Mr. SABO); and I want to especially thank the chairman, the gentleman from Kentucky (Chairman ROGERS), for working with us on this amendment to craft it in a fashion that was acceptable.

We all know that securing our borders while maintaining the flow of people and commerce is one of the central challenges of our new Department of Homeland Security. We are clearly investing in technology to achieve our goals, but we all know that technology alone can never do the job. It takes people.

We know that people inspect packages and cargo coming into our country; people run the new programs, like the U.S. Visit Program, which has recently been awarded by the Department; people patrol the thousands of miles of our southern and northern borders; people detain and apprehend drug dealers and terrorists and criminal aliens.

Since 9/11, the demands upon these border personnel have increased substantially. We know that the new Department of Homeland Security continues to fail to meet the demands of controlling our borders, as evidenced by the 7 to 12 million people that are estimated to be undocumented immigrants in our country and by the continuing reports of our porous southern and northern borders. The amendment we offer today would help address these significant security gaps.

When inspectors from our former Customs Service and the Immigration and Naturalization Service and the agents from the Border Patrol were all merged into the new Department of Homeland Security, each former agency was operating under a pre-9/11 staffing model that reflected the missions of those agencies at that time. Since then, our frontline officers are working longer hours, dealing with new security threats and helping to implement new border security programs. The men and women on our frontlines are working hard to meet this new challenge, and we have an obligation to help them.

This amendment supports our frontline officers by commissioning an independent study to try to answer the central question, how many people do we need on our front lines to secure our Nation's borders while moving people and cargo across our borders in a reasonable amount of time? This study would take into consideration a variety of factors: threat and vulnerability information, the impact of the implementation of new technology, and the wait times that we know exist.

Mr. Chairman, we need to know how many people we need to have on the frontline. The cost of not doing this study would far outweigh the $450,000 set aside in this amendment, transferred from the Bureau of Customs and Border Protection from the Department's Headquarters Management Account.

This amendment has the support of a diverse group, including the National Border Patrol Council, the 18,000 frontline inspectors who make up the National Immigration and Naturalization Service Council, the American Federation of Government Employees, as well as the American Immigration Lawyers Association.

We must do all we can, Mr. Chairman, in this time of war against al Qaeda, to ensure that our borders are as secure as they need to be.

I want to thank the gentleman from Kentucky (Chairman ROGERS) for working with this and supporting us on this amendment, and I appreciate also the language to be included as report language in support of this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. TURNER of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman has offered what I consider to be a very helpful amendment. I think it is needed, and we are happy to agree to it. The ranking member of the Select Committee on Homeland Security has been very helpful to us.

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

Mr. TURNER of Texas. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I congratulate the gentleman on a very good amendment. It is a much needed study.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUPAK

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

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 2, line 16, after the dollar amount, insert the following: ''(reduced by $500,000)''.

Page 22, line 18, after the dollar amount insert ''(increased by $500,000)''.

Mr. STUPAK (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 Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, this amendment is very straight forward. It would simply provide $500,000 for the Department of Homeland Security to conduct a thorough study on how these first responder grants have been spent over the past 2 fiscal years.

In particular, we need to know how much of the $4.4 billion allocated for Homeland Security grant programs have been spent on upgrading local and State first responder communication systems.

Why is this necessary? Because after 9/11, the Nation finally realized what those of us in law enforcement have known for years, that there is a huge gap in how we respond to natural and terrorist-related disasters. First responder agencies cannot talk to each other.

Last month, the independent 9/11 Commission held hearings to examine

the communication gaps between public safety agencies during their response to attacks on the World Trade Center. What the commission learned was that fire chiefs in the World Trade Center lobbies new little of the conditions upstairs. They did not hear anything about what the police in helicopters were seeing as they circled the buildings, that the towers may or would collapse.

As we now know, Federal reports on the 9/11 Federal emergency response concluded that the inability of first responders from different agencies to talk to one another was a key factor in the deaths of at least 121 firefighters.

Since then, the Federal Government has called upon the States and local governments to be even more vigilant and prepared for possible attacks of terrorism. Yet our public safety agencies continue to lack the ability to communicate with each other between agencies and between jurisdictions. Firefighters cannot talk to police, local police cannot talk to state police or emergency personnel, and so on and so on.

Despite the creation of the Department of Homeland Security and grant programs for first responders, program funding for modernizing their communications system has fallen far short of the $6.8 billion that is needed to make the Nation's public safety agencies interoperable, in other words, being able to talk to each other.

In fiscal year 2003, only $100 million was devoted to local public safety communications systems, and no funding at all was available in fiscal year 2004.

The bottom line is there is an awful lot of talk here about interoperability, but no real, reliable resources to make that happen so agencies can talk to each other in times of catastrophic disaster or terrorist attacks. All we have are 2 years of grant programs within DHS, but none specifically for interoperability; and we do not know where that money is going.

So far, neither I nor my staff can find any evidence of oversight on where the billions of dollars have gone after these grants have been sent to the States and local governments. No one can tell me how much of that money has gone to interoperable radio communications. I think we need to know how much money is being spent so we have a better idea on what the priorities are for our Nation's first responders.

I know for a fact that upgrading radio equipment is a priority in my district, which is large, rural, and on the Canadian border, and, at times, unfortunately, porous, where those who do not belong can sneak into the United States.

Again, my amendment takes $500,000 out of the office of the Under Secretary of Management, an account that receives a $50 million increase in this bill over fiscal year 2004. It puts that $500,000 for this needed study under the salaries and expenses account under title III, the preparedness and recovery title.

For 30 years, I have been associated with law enforcement, 12 years as a police officer. For 30 years, I have been hearing that we will have radios so we can talk to each other and to first responders. After 30 years and many deaths, it is time we move forward on making interoperability for all first responders available so we can talk to each other, especially in times of peril.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman would remain at the desk, I really appreciate the gentleman bringing this issue before us, interoperability of communications amongst our first responders. One of the great lessons we learned, of course, out of 9/11—and the evidence has been ongoing since that time—is to go all out to try to create interoperability. It is a fairly complicated matter, as we now find out, and very expensive.

So the gentleman's amendment that would set aside more money to examine how this can take place really is not necessary, because the Department already has an ongoing operation to collect that data from the States and the communities and the first responder units.

Not all the States, of course, have decided what grant money will be spent on; and, of course, all the data is not yet automated. But the Office for Domestic Preparedness is currently building a master database, it is supposed to be completed in the next few months, to automate all state and local spending details, so we will then have what I think will be a fairly comprehensive inventory of where we are, which is what the gentleman, I think, is seeking in his amendment.

So I would hope, perhaps, that the gentleman might withdraw the amendment, with my assurance that the Department is already involved in exactly what I think he seeks in his amendment.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the chairman is right, we have been trying to address this issue. I know, having been involved in law enforcement and worked with an interagency drug task force, we can bring in radio equipment so everyone can talk to each other no matter what frequency they are on. And I know through the leadership of the chairman and the ranking member and many Members who are concerned about this, as we heard from the Fire Caucus earlier, those Members, there is actually mobile equipment that we can bring in and help out.

We have taken a good step forward. I want to make sure we keep moving in that right direction. That is why I wanted this study, as I continue to work in my own committee to try to set up a fund to get this interoperability realistic throughout this country, because it is going to cost $6.8 billion; and I am concerned about my rural committees as well as the big cities.

Mr. Chairman, the chairman has given me those assurances, and his word is always good with me. So I will withdraw my amendment, with those assurances. I look forward to working with the chairman and ranking member. I appreciate the gentleman's continued support on this issue and thank him for the opportunity of raising it.

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

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

There was no objection.

□ 2100

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $13,000,000.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

For necessary expenses of the Office of the Chief Procurement Officer, $7,734,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $60,139,000.

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, $211,000,000, 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 project or the Automated Commercial Environment.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $82,317,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $10,371,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $340,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, $254,000,000 may

not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Department of Homeland Security 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 Department of Homeland Security and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,611,911,000, of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund 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; of which not to exceed $40,000 shall be for official reception and representation expenses; of which not to exceed $176,162,000 shall remain available until September 30, 2006, for inspection and surveillance technology, unmanned aerial vehicles, and equipment for the Container Security Initiative; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available 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 for fiscal year 2005, the aggregate overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of U.S. Customs and Border Protection for aggregate overtime and premium pay, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further,* That none of the funds appropriated in this Act may be obligated to construct permanent Border Patrol checkpoints in the U.S. Customs and Border Protection's Tucson sector: *Provided further,* That the Commissioner, U.S. Customs and Border Protection, is directed to submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure that includes location, design, costs, and benefits of each proposed Tucson sector permanent checkpoint: *Provided further,* That U.S. Customs and Border Protection shall relocate its tactical checkpoints in the Tucson sector at least an average of once every 14 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $449,909,000, to remain available until expended, of which not less than $321,690,000 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 Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with U.S. 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 U.S. 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.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of laws relating to customs and immigration, $91,718,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles; $2,377,006,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $200,000 shall be for Project Alert; and of which not to exceed $16,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided,* That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further,* That of the total amount provided, $3,000,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed $2,000,000 shall remain available until expended.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal air marshals, $662,900,000, to remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $478,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $39,605,000, to remain available until expended: *Provided,* That none of the funds appropriated under this heading may be obligated for ATLAS until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with U.S. Immigration and Customs Enforcement'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 U.S. Immigration and Customs Enforcement's Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,179,000, to remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, 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: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by U.S. Customs and Border Protection or U.S. 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, $257,535,000, to 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 U.S. 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 2005 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services

pursuant to the Aviation and Transportation Security Act (Public Law 107–71), $4,270,564,000, to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount provided under this heading, not to exceed $2,016,814,000 shall be for passenger screening activities; not to exceed $1,406,460,000 shall be for baggage screening activities; and not to exceed $847,290,000 shall be for airport security direction and enforcement: *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: *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 2005, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,447,564,000: *Provided further*, That any security service fees collected pursuant to section 118 of Public Law 107–71 in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2006: *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 notwithstanding section 44923 of title 49 United States Code, the Federal Government's share of the cost of a project under any letter of intent shall be 75 percent for any medium or large hub airport and 90 percent for any other airport, and all funding provided by subsection (h) of such section, or from appropriations authorized by subsection (i)(1) of such section, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Federal Government's planned cost share under existing letters of intent.

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 make a point of order against page 14, line 9, beginning with the words ''provided further'' through line 19.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member desire to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this proviso explicitly supersedes existing law. The proviso, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the proviso is stricken from the bill.

AMENDMENT NO. 17 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DEFAZIO: Page 14, strike the proviso beginning on line 5.

Mr. DEFAZIO. Mr. Chairman, I do not rise to defend the Transportation Security Administration as a paragon of efficiency, although I have been impressed in recent meetings, hearings, closed and open door, with the acting head, Admiral Stone. And in particular, he seems to be willing to address the enduring problems with the centralized bureaucracy, the fact that hiring, firing, management decisions, scheduling decisions are all being made out of Washington, D.C. instead of at the local level by the local Federal Security Director.

But I want to give him a chance to succeed. I want to make the system work as well as possible. And the cap that has been imposed, I think out of frustration by members of this committee, which is shared by members of the Subcommittee on Aviation and the Select Committee on Homeland Security, about the past problems with management of this agency is not the right solution.

We talk about right sizing the TSA. Well, the way to do that would be to do a bottom-up assessment of what is necessary to meet the mandates of the Transportation Security Act, to screen the baggage, to properly screen the passengers.

It is my understanding that in the near future we may hear that the Transportation Security Administration is going to fill the huge gap where individuals who work in the airport, vendors and others, caterers, would have to go through screening on a daily basis, which will increase the load. Passenger loads are coming back as people return to the air. But because of this arbitrary cap of 45,000, we find out that according to the GAO we are not meeting the mandate on 100 percent electronic baggage screening because of staffing shortages.

The Secretary of Transportation, Secretary Mineta, has abandoned the promise and the contract with the American traveling public that they will wait no more than 15 minutes in line. There have been lines reported at some airports up to 4 and 5 hours; 1 and 2 hours are regularly at other airports. That means the airlines are losing more and more of their business travelers, which is causing the industry tremendous problems.

We need predictability when business travelers and others go to the airport. We need some assurances that they will be able to get through expeditiously and quickly. And even more than that, we need assurances that they will be properly screened and that their baggage will be properly screened. I believe because of this cap we are not meeting any of those charges.

A number of the largest airports in the United States, 22 of the 25 focus airports that the Transportation Security Administration deems to be at high risk of delays this summer; these are 22 of the 25 airports at high risk of travel delays this summer, the Transportation Security Administration, because of the cap, has reduced screener staffing resources by the equivalent of 3,100 full-time screeners over the last year, about 20 percent of those airports. That means that many Americans are going to be waiting in line for half an hour or an hour or more because of these arbitrary caps.

I do not think this is the way to get at the management problems of the TSA. It would be better for the committee to mandate that the agency, prior to the start of the next fiscal year, go through an assessment, and they claim they are doing this, but mandate it perhaps, that they would decide from the ground up, from every position in the agency how many people they need at each airport and set a performance standard, a standard both in terms of security that has to be met and a standard in terms of how long it is going to take people to get through those airports.

It is not fair to the public to say, well, you are paying this additional tax for security and you are paying all of these other taxes, a very large part of the ticket, but we cannot afford enough people to get you through here in less than 3 hours. That is not right.

I know many of my colleagues have experienced this firsthand, and they certainly have received complaints from their constituents, particularly in a number of these 25 focus airports around the country.

I do not do this out of some sort of very parochial need, because my own local airport is doing quite well. But I do it out of a general concern for the industry, the traveling public, safety, security, and convenience, and the proper management of the TSA, and wanting to give the new acting director a chance to make it work right by removing this cap, admitting that there were mistakes made in the past, and we expect that they will not be repeated in the future.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, since 2002, we have included language in either the Transportation bill that preceded Homeland Security, and then the Homeland Security bill in 2004, language that limits the number of screeners to no more than 45,000 full-time equivalents. In my judgment, that language is necessary to force TSA to use taxpayer dollars reasonably and efficiently.

When TSA was first organized, it overhired and mismanaged millions of dollars. When they first came to the Congress when it was a part of the Transportation Department, they said we think we can get by with 30,000 screeners. They came back later and said no, we think it is going to be 35,000. Then they came back later and said 40,000, then 45,000, then 50,000, then 55,000. Finally, I said ''Time. Let us talk. What is going on here?'' And others did the same thing.

And so we went through their needs and we were careful to determine the optimum amount of people that would

be necessary to screen our customers at the airports.

During this zealous hiring phase at the outset, many airports, particularly small ones, had TSA employees screening a couple of passengers a day. For example, Clinton County Airport in New York, and I do not want to pick out examples necessarily, but there is no other way to do it; Clinton County Airport in New York had 20 screeners. How many passengers a day did they have? Twelve. Twenty screeners for 12 passengers a day.

Other airports, Massena and Adirondack, both in New York had the same number of screeners as daily passengers. What we had at that time, and people said so, is that TSA was an acronym for Thousands Standing Around, waiting for a passenger that needed to be screened.

Over the last 2 years, this cap has forced TSA to reshape that workforce so that more screeners have now been assigned in high-traffic airports and fewer in small airports, while still maintaining high levels of security. TSA has also begun to hire part-time screeners to work just during the peak hours, and the rest of the day when we do not need them they are not there. TSA recently created a summer plan to mitigate the anticipated effects of a busy travel season, given the size of the screener workforce. They are right sizing even as we speak.

TSA needs to do more. The agency is still too focused on screeners. It is doing a poor job of phasing in new technologies that would reduce our dependence on screeners.

Here are two examples of cost-savings that can result from using technology: Lexington, Kentucky, an airport I fly in and out of each week, invested just $3.5 million to install explosive detection machines in-line, with the conveyor belt, which allowed TSA to use 4 screeners per shift, rather than the 30 that would have been required using explosive trace detection equipment in the lobby. Not only that, people move through quicker.

There are even bigger savings in larger airports. San Francisco predicts that by having a complete in-line explosive detection system, it will require 100 less screeners, saving about $5 million in salaries and compensation each year.

Deleting this cap would be very premature. Instead of forcing TSA to continue to restructure its workforce to handle high-traffic levels at some airports, and to procure new equipment that could greatly reduce our reliance on screeners, this amendment would permit TSA to request an exemption from this cap and return to the days of ''thousands standing around.''

If we delete this cap, Mr. Chairman, 5 years from now I am convinced we will have 70,000-plus screeners and no new technology in place, and we are back to where we were.

□ 2115

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

I can agree with the gentleman from Kentucky (Mr. ROGERS) on much of what he has said. Deployment and manpower must work hand in hand. So you have in some airports too few screeners. You have other airports, as the gentleman has described it, too many. However, when you look at the attrition rate, and I would ask the chairman to look at this please, there is so much of a turnover, that that is causing, as the numbers that I have studied, an insufficient amount of screeners many times at many airports. And that is why I support the DeFazio amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman makes a very good point. The TSA is still operating under the system where they hire nationally. So that when there is a vacancy in San Francisco or New Jersey or where have you, that has to work its way up to the national headquarters, and it is a very inefficient way for TSA to replace people who have quit their job. We are trying to force the Department to at least regionalize the hiring process, and I would like to see it even localized so that we can replace people quickly, but the gentleman makes a good point.

Mr. PASCRELL. Reclaiming my time, I agree with what the chairman is saying, but many times we put the cart before the horse. We do not have a universal vulnerability and risk assessment, and perhaps we are spending money in the wrong places. This is a problem. A better method would be a bottom-up approach. Security decisions should be made by evaluating what each airport needs, what each airport needs to screen passengers and baggage effectively and efficiently. It would seem that should be our priority.

The reason why I believe the threshold should be taken away and not suggesting another number to take its place is that you have a very difficult period in air travel coming up, Mr. Chairman. The summer travel season gets busier and busier. People are going to wonder why lines are getting longer and longer. I do not know if the TSA is prepared to act accordingly and quickly, to be very honest. Because of the provision that this amendment addresses, the TSA simply does not have the manpower to do the job.

The federalization of airport passenger screeners has been a rocky road, but this cap has only added to the problems. It has hurt the ability of the TSA to manage the problem areas such as the mile-long lines at Atlanta's Hartfield Airport. The Congress has mandated 100 percent electronic screening of checked baggage at several airports this year; the electronic baggage mandate was not met due to a glaring lack of screeners.

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

Mr. PASCRELL. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the other point is the chairman talked about the fact that we need to replace the screeners with technology. I agree 100 percent as does the gentleman from Florida (Mr. MICA). Unfortunately, this budget does not contain this money. It is $231 million less than we authorized for that kind of technology.

Mr. PASCRELL. Reclaiming my time, I witnessed the screener cap issue firsthand when there were media reports that Newark International Airport was not meeting the baggage screening mandate. At one point this past year, Newark was dangerously understaffed to the point where the EDS machines, and we know how sensitive they are; we know how much effort we have put into this, thanks to the Committee on Transportation and Infrastructure, thanks to homeland security, they were sitting idle. No one was there to operate them despite high passenger traffic.

The airport is now meeting its mandates, but only with the temporary assignment of an extra 150 screeners to deal with the summer months. Come the fall, we may be short-staffed again. So what is actually needed is clearly more than the arbitrary level set in the bill. That is what I am addressing, Mr. Chairman, through the Chair, and that is, I believe the 45,000 number is arbitrary. And I would ask the gentleman in his capacity as the chairman, and he has looked at this and the sensitivities that exist in all of these amendments and issues, to please look at this, what has happened to these EDS machines that are on-line but there is no one to staff them.

I think that the 45,000 figure, that cap, that threshold is not realistic. I have looked at the data. I have examined the small airports, the large airports. I agree with everything that you have said in terms of the ridiculousness of many screeners standing around all day doing nothing. We know that there needs to be a deployment change. I am simply asking, we should not have this threshold number unless we have the data to support it. And I would ask the gentleman to reconsider that, Mr. Chairman.

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

Mr. Chairman, I want to also thank the committee Chair, the gentleman from Kentucky (Mr. ROGERS), for his leadership on this issue, the great job he is doing on homeland security. The gentleman from Oregon (Mr. DEFAZIO) and I have the honor and privilege of serving with him as the ranking member of the Subcommittee on Aviation. I understand the frustration of the gentleman. Both the gentleman from Oregon (Mr. DEFAZIO) and me are very frustrated with the operation of TSA. However, I rise in opposition to eliminating the screening cap of 45,000 that the Committee on Appropriations has placed on TSA.

I did not coordinate my remarks with the gentleman from Kentucky (Mr.

ROGERS), but ironically he got up and said we were promised in the beginning, it took, they said, maybe 26,000 it would take the private sector to add fewer screeners; and we can debate the merits and or demerits of what they did. And then we were told 30,000; and then we were told 35,000 would do the job; and then 40,000 would do the job. Only give us 50,000; and one day we woke up and there were 60,000 TSA employees.

Now, they did a job that was mandated by Congress, and they put all those folks out there. But at some point it got to be exactly what the chairman described. Thousands standing around. It became a joke. And what we had to do was right-size that agency. We got something in place; and it was, no question, overstaffed.

One of the problems with this is that a defect in the organization of TSA, and this is no offense to TSA, Congress organized it. But we created basically, and I have said this publicly before, a Soviet-style Moscow-centered, in this case Washington-centered, bureaucracy.

The Chair just described the process of hiring a person, a vacancy in San Francisco and then waiting days and weeks. We just waited 6 months for TSA to finalize its most recent screener allocations. They just released them. I am the chairman. I represent Orlando International Airport at one of the busiest tourist destinations in the United States. We needed 124 part-time positions before Christmas. I still do not have the part-time screeners that we need there. They cannot get it right.

Please do not believe that bigger government, just give us 10,000 more, 20,000 more, will solve this. It will not. It has to be decentralized. It has to be localized. And that is what we intend to do.

We do have 14 airports that have automated inline screening systems, and you heard the reduction in personnel, just at one example; and more will come online, so we actually need fewer screeners.

The performance rate of even the screeners we have, I hate to say this, I invite every Member of Congress to receive the classified results. The Inspector General testified before us publicly; we had Federal screening and five demonstration public screening operations compared with all Federal screening operations, and the Inspector General described the results that they performed equally poorly.

I say that TSA is mostly a mirage. We are fortunate that we have secured cockpit doors, that we have armed air marshals, that we in fact have pilots that have been armed. That gives us this protection, not this mirage you see. A bigger mirage is not going to solve it. What is going to solve it is decentralization of the process and then better technology. Go to New Jersey. You do not need an invitation. See our test center. See equipment that will detect weapons, will detect explosives. That is what we need in place.

I will say, no matter how hard they try and how many employees they get, 40, 50, 60,000, they will never get it right from Washington in this bureaucratized, centralized operation. It will never be able to service the needs, the requirements of 440 airports with different schedules.

Think of Dulles out here. They are going to have Independence Air with 300 additional flights. Well, that is not in the allocation that they just took 6 months to get. It will take them months and months to get it right. So we need to vote down this amendment and correct the deficiencies in TSA.

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

Mr. Chairman, I rise today to strongly support the DeFazio amendment to eliminate the 45,000-person cap on the number of TSA screeners.

When Congress created the Transportation Security Administration and tasked them with protecting our aviation, rail and transit systems, it was expected that Congress would provide the agency with the necessary resources. However, Congress has not done its job.

Last year, a cap of 45,000 was placed on the number of Federal screeners at our Nation's airports. This number is not only an arbitrary figure; it does not give our airports enough personnel necessary to screen passengers. We have an obligation to enable the TSA to hire the number of people needed to ensure the security of the flying public in the safest and most efficient way.

Now, I cannot speak for the airport in Clinton, New York; but I can speak for the airport in Las Vegas, Nevada. Officials at McCarran Airport in Las Vegas have struggled to manage the long lines as a result of inadequate personnel. In January, departing passengers stood in line for up to 4 hours after attending one of our largest conventions. This is absolutely unacceptable for a community that depends on its airport to deliver tens of millions of annual visitors.

Not only does this cause passenger frustration; it poses additional security risks. Thousands of people jammed into a small area could create yet another potential terrorist target.

In our attempts to secure one aspect of our aviation system, we should not expose another flank to potential attack. TSA has worked with the Nevada delegation to temporarily reduce wait times by giving the Federal security director more flexibility and personnel. But McCarran screeners are working over 50 hours a week to meet the demand. We cannot expect them to continue to work these hours. At some point, they are either going to quit their jobs or their efficiency and effectiveness will be compromised, which in turn will impact on passenger safety. We must find a long-term solution.

McCarran International Airport is the life blood of the Las Vegas Valley. Last year, nearly 36 million people came to Las Vegas; 46 percent of them arrived by air. Passenger traffic at McCarran has grown 15 percent just this year alone, and this growth is expected to continue. New airlines have added service and established airlines continue to expand their existing networks to include more flights to southern Nevada.

Officials at McCarran and local FSD have worked tirelessly to improving the screening process for passengers. This summer, seven new checkpoints will be opened by next fall and an inline baggage screening system will be operational. We have at McCarran the latest technology, but it is time for Congress to do our part.

Instead of mandating a cap on a screener workforce, let us give the TSA the resources it needs to secure our skies. Give the TSA the ability to hire the screeners it needs to achieve its mission, keeping the flying public safe.

This is about more than aviation security. This is about national security. We cannot cut corners or attempt to play politics with something as important as the lives of our pilots, our crew members, our passengers, and America's airport personnel.

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

Mr. Chairman, I suppose if it were an ideal world, I would prefer not to have staffing caps and would like to think I could trust an agency to manage the staffing.

□ 2130

There is nothing about TSA that gives me that confidence. I have dealt with endless agencies over the years. I have never dealt with one more frustrating to deal with in all my years of public service than TSA.

There was maybe no option other than top-down development in the agency at the beginning, but it was chaotic. It was hiring people without any thought. It was not managing contracts. It was wasting money all over the place. Today, there is no reason to continue that top-down management. It does not work.

I am impressed by the new director from what he says. Maybe the agency can change; but if we say, have your own way, those pressures will disappear. There are times when we have agencies when they are not working, we have got to force them to make some decisions. They clearly mismanaged personnel, misallocated personnel all over the country. Incredibly bureaucratic, top down, people at the bottom cannot make decisions, cannot hire people. I do not think they can train people, maybe a little bit.

So I understand why my colleagues are frustrated. If I thought that giving them more people would solve their problem in a fashion, then I might be more sympathetic, if not repealing the ceiling or adjusting it; but I have no confidence that they would handle and manage additional people. I think we have to force them to make those judgments, to reallocate those sources.

Speaking a hypothetical, I have no trust that simply adding people to them are going to relieve lines in certain airports. The reality is lifting the cap in this bill does nothing about the staffing and capping limits for this summer. So I think we have no option but keeping this cap until this agency is restructured, we get some real bottom up management, with good people in place at the local level.

Let me just conclude, again, by saying I have never seen an agency so mismanaged from the beginning and totally wasting resources in my life that I think having a cap is the only responsible thing to do; and I think we have to maintain it, and keep their feet to the fire.

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

I hope we can put aside the unnecessary and overblown hyperbole that has at times crept into this discussion such as Moscow-style bureaucracy; TSA is a joke. TSA is not a joke. This agency, its personnel are engaged in the very serious business of maintaining security at our Nation's airports, for air travelers, for the airline business in America. They have done an extraordinary job under extremely difficult circumstances, tight timelines, unavailability of space, equipment that was not forthcoming, equipment that was not ready to do the task that was set before them; and I think rather than disparage this agency and these personnel who came in with a very high degree of spirit to do the right job for America, we ought to commend the individual workers for making the effort and continue our focus on redirecting the management and setting performance standards. Performance standards would be far better than an arbitrary limit on the number of personnel.

I have enormous respect for the gentleman from Kentucky. We have worked together on so many issues over many, many years; and I do not think that he came in and just picked an arbitrary number just to show that he is in charge. Out of great frustration, out of very serious concern for getting the right number, as my colleague from Minnesota said, they picked a number and said get down to this level; but that is not the right way to achieve the best out of this agency.

I agree that at the outset, after enactment of the Air Traffic Security Act, that the agency went in and did many things. A new agency was created, did many things at the same time. They rushed in, they hired many more people than we know in hindsight to be necessary for the job; but remember, they did not know electronic detection screening equipment would be available. They had a deadline to meet within a year. We all agreed in this body that that was a timeline we were not going to budge from; we were going to insist that this deadline be met; that if they could not get the EDS equipment in place, they would have to do hand screening, they would have to do screening with canines; that there were going to be huge time requirements and personnel; they would need more people, and they did not know how many were going to be required at various airports.

So they put people in place. They met the goal that we set forth in the authorization law, and then they went about the task of right-sizing. Right-sizing does not necessarily mean down-sizing, and removing the cap does not necessarily mean adding more personnel, but just arbitrarily imposing a cap is not going to achieve the goal of better management of standard-based management of this agency. I think under Admiral Loy and his successor as head of TSA, Admiral Stone, that the process is underway of decentralizing the decisionmaking on locating personnel.

For example, in the Minneapolis/St. Paul airport area responsibility, the Federal security director has right-sized that facility by shifting personnel to among the various airports under his jurisdiction. In Duluth, an area that I know very well, the Federal security director has several airports in northern Minnesota under his jurisdiction. He has moved TSA personnel from those airports that were overstaffed and put them to airports where they were understaffed. They have moved to put in place part-time personnel where that fits.

There has to be much more of this kind of decentralization of decisionmaking on allocation of personnel.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, so the answer is right-sizing, not necessarily down-sizing arbitrarily.

This year we are seeing a rebound in air travel. There is going to be a 6.8 percent, 7-plus percent increase in air travelers. That will mean an increase in demand for screeners. To put an arbitrary cap on screeners at a time when air traffic is growing, when the airlines are beginning to rebound, I think is not responsible.

I would hope that the gentleman's amendment would be supported and that we allow a process; and our committee, under the leadership of the gentleman from Florida (Mr. MICA), has been vigorous in this pursuit of oversight on this agency and are keeping their noses to the grindstone through our oversight process. Insisting on right-sizing and decentralization of decisionmaking for allocation of personnel is a far better way to go than just say here is an arbitrary cap that will result in arbitrary results.

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

I want to thank the gentleman from Oregon (Mr. DEFAZIO) for his leadership on this very critical issue, and I am glad to see that we have good people on all sides of this issue tonight.

I joined with the gentleman from Oregon (Mr. DEFAZIO) in offering this amendment. I do agree with the ranking member that when this screening cap was put in place more than a year ago, we were looking at a TSA that was a bureaucracy out of control. It had hired more than 60,000 screeners, and it was still growing. There was no clear strategy or budget plan. It was unknown how much technology would help in moving people and baggage through screening checkpoints. So at that time, the cap made a lot of sense, and it certainly sent a very strong message to the Department.

Today, however, we have a very different situation. TSA has met, to a large extent, demanding congressional requirements and has its leadership and budget team in place. As a testament to the public's trust in air safety, air traffic has increased dramatically. Yet we have the same screener cap in place, and it is impeding the ability of the Department to manage a growing passenger load.

Many Americans are all too familiar with the long security lines at airports. Many of us travel and see those long lines. I see them regularly at Reagan airport. Many see it at Dulles. I also see them at the Houston airport.

What is less obvious than the long lines is the damage that screener understaffing is doing to aviation security. I have had a chance to talk to some of the airline screeners in Houston who are afraid to openly acknowledge the way their operations are run. When the lines get too long, they simply push people through. That kind of conduct does not build confidence in airport security and certainly is demoralizing to those who work so diligently to protect the public at our airports.

The General Accounting Office has reported that staffing shortfalls have prevented the TSA from checking or sending checked baggage through electronic screening, and we have heard from screeners over and over again that passenger lines get longer, and the pressure that I mentioned is on them to move the passengers through faster. According to many media accounts, even though TSA regulations require four screeners per checkpoint, staffing shortfalls have, in some cases, reduced that to two.

In legislation that I joined the gentleman from Massachusetts (Mr. MARKEY) in introducing recently, we would require TSA to conduct a comprehensive study of its staffing needs so that Congress could provide the appropriate resources. Determining the right mix of full-time and part-time screeners and developing a model to measure the staffing needs at every airport is long overdue.

I understand TSA will have such a study completed shortly. If this study reveals the need for more screeners, we

should not tie the Department's hands with an arbitrary cap; and keep in mind, if we do not lift this cap, it is likely to remain in place for at least the next 15 months.

By eliminating the cap now, we are one step closer to making sure that the changes that need to be made in our airports can happen quickly when they are needed.

I urge my colleagues to join with us in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 2145

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (Public Law 107–71), $65,000,000, to remain available until September 30, 2006.

In addition, from fees authorized by section 520 of Public Law 108–90, up to $67,000,000 is available until expended: *Provided*, That in fiscal year 2005, other funds under this heading may be used for initial administrative costs of such credentialing activities.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (Public Law 107–71), $14,000,000.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $174,000,000, to remain available until expended.

ADMINISTRATION

For necessary expenses for administrative activities of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (Public Law 107–71), $524,852,000, to remain available until September 30, 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note) and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $5,171,220,000, of which $1,204,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided by 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: *Provided further*, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2005 under section 1116(a) of such title.

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 necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $113,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $936,550,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; of which $19,750,000 shall be available until September 30, 2009, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $1,800,000 shall be available until September 30, 2009, to increase aviation capability; of which $138,000,000 shall be available until September 30, 2007, for other equipment; of which $5,000,000 shall be available until September 30, 2007, for shore facilities and aids to navigation of which $73,000,000 shall be available until September 30, 2006, for personnel compensation and benefits and related costs; and of which $679,000,000 shall be available until September 30, 2009, for the Integrated Deepwater Systems program: *Provided*, That the Secretary of Homeland Security shall submit to the Congress, in conjunction with the President's fiscal year 2006 budget, a new Deepwater baseline that identifies revised acquisition timelines for each asset contained in the Deepwater program; a timeline and detailed justification for each new asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council; a detailed description of the revised mission requirements and their corresponding impact on the Deepwater program's acquisition timeline; and funding levels for each asset, whether new or continuing: *Provided further*, That the Secretary shall annually submit to the Congress, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Congress:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified. In addition, of the funds appropriated under this heading in Public Law 108–90 and Public Law 108–7, $33,000,000 are rescinded.

AMENDMENT NO. 11 OFFERED BY MR. SIMMONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SIMMONS:

In title II, under the heading ''United States Coast Guard__acquisition, construction, and improvements'', after the first dollar amount insert ''(increased by $18,500,000)''.

In title IV, under the heading ''Science and Technology__research, development, acquisition and operations'', after the dollar amount insert ''(reduced by $18,500,000)''.

Mr. SIMMONS. Mr. Chairman, I offer this amendment because we have an obligation to preserve the Coast Guard's research and development dollars, especially as its mission has expanded to meet the challenges of the post-September 11 period.

The Committee on Transportation and Infrastructure, of which I am a member, authorized $18.5 million for research and development activities for fiscal year 2005. This is the fiscal year 2004 enacted level and the level identified by the Coast Guard for its need. Both the House and the Senate Coast Guard authorization bills for fiscal year 2005 authorized this level of funding.

Unfortunately, the bill before us today to fund the Department of Homeland Security does not explicitly protect a single dollar for the Coast Guard's R&D activities. Instead, as I understand the legislation, H.R. 4567 transfers these dollars to the Department of Homeland Security's Science and Technology Directorate.

I remind my colleagues that when we voted to create the Department of Homeland Security we mandated that all authorities, functions and capabilities of the Coast Guard be maintained intact under the authority of the service and that the Coast Guard be maintained as a distinct entity within the Department.

I have serious concerns about asking the Coast Guard to compete with the other science and technology demands of the Department of Homeland Security. Furthermore, the Coast Guard has the experience and knows best how to use its R&D funding to support its core

missions. We should not transfer that authority to a new entity.

My amendment to preserve the Coast Guard's R&D funding within the Coast Guard is consistent with current law and honors the commitment of this body to transfer the Coast Guard intact.

I would ask the chairman to work with me on this issue in conference.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman bringing this issue forward, and it is an important issue. But the Science and Tech Directorate of Homeland Security has assured us and the Coast Guard that all elements of the Coast Guard's R&D program will remain under the direct management of the Coast Guard.

I recognize the gentleman's concerns. We will work with him on this subject if the authorization bill retains R&D funding within the Coast Guard for fiscal year 2005.

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

I thank the gentleman from Kentucky (Mr. ROGERS) for his comments, but I rise today in strong support of the Simmons-LoBiondo amendment, and I want to commend the gentleman from Connecticut (Mr. SIMMONS) for his leadership on this particular issue.

The intent of this amendment is pretty clear, that the transfer of the Coast Guard research and development money which was placed under the control of Science and Technology Directorate should go back to the Coast Guard where it belongs.

Earlier this week the Department of Homeland Security's Under Secretary for Science and Technology made a speech to the Brookings Institute in which he said that he would have oversight responsibility for the Coast Guard's research and development center. I strongly believe that this coupled with the funding transfer is in violation of section 888 of the Homeland Security Act.

Section 888 clearly states that all authorities, functions and capabilities of the Coast Guard must be maintained intact under the authority of the service. It further mandates that the Coast Guard has to be maintained as a distinct entity within the Department of Homeland Security. Any transfer of funding and oversight responsibility such as the one proposed and included in this bill not only violates these provisions but jeopardizes the integrity and the functional capabilities of the service.

When we were debating the Homeland Security Act and talking about the Coast Guard being included, it was only after assurances and guarantees that the Coast Guard would in fact be kept intact that we agreed that we would sign off on the transfer. While I do not think any disagree that the Coast Guard's primary mission is homeland security, it is not their only mission. They are responsible for all the initiatives that they had been working on prior to September 11, search and rescue, illegal drug interdiction, fishery law enforcement and environmental concerns. If these homeland security research and development dollars are left to the discretion of Homeland Security, we have no assurance these other programs will receive a single dollar.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I take a great deal of interest in protecting the ability of the Coast Guard to continue to administer their own research and development funding.

For several decades the Service R&D Center has led efforts to develop new technologies in support of all its critical missions, not just maritime security.

Mr. Chairman, I think this is an extremely important issue. I want to thank the gentleman from Kentucky (Mr. ROGERS) for his continued understanding of how critically important this is, but I once again want to remind all of my colleagues that the gentleman from Florida (Mr. YOUNG), chairman of the full committee, myself as chairman of the subcommittee, and the ranking members of both the full committee and the subcommittee were in complete agreement only after we received assurance that these R&D dollars would be kept intact with the Coast Guard with all of their other missions.

I respectfully request that this amendment be favorably considered.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of the Simmons amendment. I thank my friend from Connecticut for bringing this important amendment to the floor.

This amendment will maintain the integrity of the Coast Guard as a distinct entity within the Department of Homeland Security.

Section 888 of the Homeland Security Act states that the Coast Guard shall be maintained intact with all of the service's authorities, functions, and capabilities.

The Coast Guard has submitted a plan for its research, development, test and evaluation activities for fiscal year 2005 which will concentrate on the development of strategies and resources aimed to improve the service's ability to perform its traditional missions.

The Coast Guard's traditional missions include search and rescue, drug and migrant interdiction, marine environmental protection, ice operations and aids to navigation.

It is imperative that we maintain the Coast Guard's ability to perform these important traditional missions in addition to the service's homeland security mission.

I am concerned that the transfer of research and development funds to the Department will be the first step down a slippery slope that will forever change the Coast Guard's abilities to balance its resources and personnel to carry out its many and varied missions.

We must protect the multi-mission nature of the Coast Guard.

We should provide funding for Coast Guard research, development, test and evaluation directly to the service in the same manner that we provide all other Coast Guard funds.

This is what the law demands and this is the right thing to do.

I urge my fellow members to support the Simmons amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS).

The amendment was rejected.

Mr. SIMMONS. Mr. Chairman, it was my intention to withdraw the amendment based on the assurances that I received from the distinguished chairman.

The CHAIRMAN. The amendment cannot be withdrawn. The amendment was defeated.

The Clerk will read.

The Clerk read as follows:

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $16,400,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations 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 payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,085,460,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made 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; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,179,125,000, of which not to exceed $30,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2006: *Provided further*, That not less than $10,000,000 for the costs of planning, preparing for, and conducting security operations for National

Special Security Events shall be available until September 30, 2006: *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.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,633,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

SALARIES AND EXPENSES

For necessary expenses for the Office for State and Local Government Coordination and Preparedness, as authorized by sections 430 and 801 of the Homeland Security Act of 2002 (6 U.S.C. 238 and 361), $41,432,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,423,900,000, which shall be allocated as follows:

(1) $1,250,000,000 for formula-based grants and $500,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 30 days after the grant announcement; and that the Office for State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award;

(2) $1,000,000,000 for discretionary grants for use in high-threat, high-density urban areas and for rail and transit security, as determined by the Secretary of Homeland Security: *Provided*, That not less than 80 percent of any grant to a State shall be made available by the State to local governments within 60 days after their receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall not apply to these grants: *Provided further*, That of the funds provided, not less than $100,000,000 shall be used for rail and transit security grants;

(3) $170,000,000 for emergency management performance grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3714), as authorized by the National Flood Insurance Act of 1968 and 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 Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App): *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation; and

(4) $125,000,000 for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117: *Provided*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall not apply to these grants:

Provided, That except for port security grants under paragraph (4) of this heading, none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for State and Local Government Coordination and Preparedness certified training, as needed: *Provided further*, That grantees shall provide reports on their use of funds, as deemed necessary by the Secretary of Homeland Security: *Provided further*, That the Office for State and Local Government Coordination and Preparedness shall complete the development of mission essential tasks by July 31, 2004; the fiscal year 2005 State grant guidance shall include instructions for the completion of State baseline assessments; a Federal response capabilities inventory shall be completed by March 15, 2005; and the Office for State and Local Government Coordination and Preparedness shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the implementation of Homeland Security Presidential Directive-8, beginning October 1, 2004.

POINT OF ORDER

Mr. FOSSELLA. Mr. Chairman, I make a point of order that the words ''notwithstanding any other provision of law'' under the heading ''State and Local Programs'' violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on appropriations bills.

This provision would make over $3.4 billion available for State and local grants in a way that could contradict statutes within the jurisdiction of the Committee on Energy and Commerce and other committees. The reason that we passed those statutes, obviously, is to ensure that money would be spent in a certain way.

In short, this language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House because it changes current law.

I therefore insist on my point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order by the gentleman from New York (Mr. FOSSELLA)?

If not, the Chair is prepared to rule.

The Chair finds that the language cited explicitly supersedes existing law. The language therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. That portion of the paragraph is stricken from the bill.

AMENDMENT NO. 16 OFFERED BY MR. SWEENEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SWEENEY:

In title III, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', before the semicolon at the end of paragraph (1) insert '': *Provided further*, That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences''.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman may state 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 pertinent part, ''an amendment to a general appropriations bill shall not be in order if changing existing law by imposing additional duties.''

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 3 OFFERED BY MR. SWEENEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SWEENEY:

In title III, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', after the second dollar amount insert ''(reduced by $450,000,000)''

In title III, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', after the fourth dollar amount insert ''(increased by $450,000,000)''.

Mr. SWEENEY. Mr. Chairman, I had hoped to introduce two amendments tonight that I think go to the core of what is our fundamentally greatest challenge as it relates to protecting the homeland, and that is to provide a proper structure within which the Secretary of the Department of Homeland Security and the Federal Government can properly and appropriately respond to the threats and risks that are presented out there unbiased, focused on the idea that the resources we have have to be directed to the places that are of greatest threat and at greatest risk.

The first amendment that I attempted to offer would have changed the formula, a formula that is pre-September 11, a formula that provides funding to jurisdictions regardless of the risk and the threat that it faces. I will quote one of my colleagues, one of the great members of the committee.

The gentleman from Tennessee (Mr. WAMP) said this bill, this funding proposition is not about cost sharing with local and State governments because we cannot meet all of those needs. I agree with him. We cannot meet all of those needs.

But this is about meeting the legitimate, precise and efficient needs of this Nation to protect its citizens. Our enemies, al Qaeda, the terrorist network, have something in common with us: They have finite resources, as do we. But one of the advantages that they have had is they are specifically targeted and are targeting their efforts to maximize the impact on the American people and the threat they present to us.

Therefore, Mr. Chairman, I propose this amendment in which we will transfer back to the President's budget number $446 million to the high threat fund that was established in the fiscal year 2003 supplemental.

□ 2200

The reason we need to do that is because we are actually slipping over the last couple of years in terms of the funds that we are sending out to meet the needs in the communities that are our greatest threat.

I will point to a couple of things. The national average per capita is $7.59; and, yet, jurisdictions like California, Texas, New York, Florida, and Illinois all are below $6, all in the $5 range in terms of what funding they are receiving through the formulation.

Now, we cannot vote on that particular part of activity in this amendment, but we can do something about it to give the Department itself the kind of flexibility and the Secretary the kind of flexibility he would need over the 2005 budget cycle to best protect the people of this Nation, and the Department is asking us to do this.

I will point to the statement of administration policy just released earlier today, and I will quote from it: ''The administration believes that the programs funded through the Department of Homeland Security should be better targeted toward terrorism preparedness. The bill does not provide the request to double funding for the risk-based Urban Area Security Initiative, UASI, program, but instead provides funding above the requested level for the basic State and local formula grant program.''

Mr. Chairman, there is a lot of work that needs to be done in the next couple of years, certainly in the next year. I think we ought to give Tom Ridge and the Department what they need, what they have requested, what they need in the coming year in order to best ensure that this Nation is indeed protected. The net result of what we have established here in Congress over the last 3 years is a reduction.

For example, I know the gentleman from New York (Mr. FOSSELLA) was on the floor earlier and talked about the needs of New York City. Let me say that New York City spends a billion dollars a year on security in counterterrorism intelligence; and, yes, they have received some money, $300 million to New York State, I think, in 2003; but do you know what they received last year, Mr. Chairman? $50 million, a 70 percent reduction from the year before.

When James Comey came from the U.S. Attorney's office to talk about Jose Padilla the other day, it did not seem to me there was a 73 percent reduction in New York City. It seemed to me they are in the bull's eye, as are other jurisdictions; and we need to make sure that the Secretary and the Department have the appropriate tools to do their job.

The President has asked us to do this. It is enacted in the President's budget. You can look on page 147 of that budget. You can read their statement. Secretary Ridge to the 9/11 commission and repeatedly to the Senate and to the House has asked for that kind of flexibility. We ought to be giving him that kind of flexibility. This Congress ought not to be micromanaging the Department of Homeland Security. I think most of us agree on that, but we ought to be providing them the proper tools and resources with which they can do their job. That is what this amendment proposes. It gives them what they have asked for in their budget, and I ask my fellow Members to support that.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition.

Mr. Chairman, in this bill we attempted to be fair to everyone. We do not have all the money in the world. If we did, we could do perhaps what New York wants; but we do not, and we have got a whole country to deal with. There are two basic funds of money that we are talking about. One is the so-called formula funding grant program, and the other is specifically for the high-density, high-threat urban area fund. Two funds. The first one the formula grant program, 40 percent of that money goes to all the States; and everyone gets .75 percent, less than 1 percent of a fund that this year is $760 million total.

But 60 percent of even the formula grant program goes to States that are most populated, and I did some research. The money that went in that fund, in this year's bill, is $1.15 billion. Of the money that goes to New York State, in 2004 New York City got over half of the State money, in addition to the urban grant fund.

Now, fair is fair; and I want to be fair about this. New York City is a target. Everyone admits that. Other large urban areas are targets. Everyone admits that, and we want to help prepare. We want to do all that we can to be sure that New York City and the other large cities have all the monies that we can afford to pay for the Federal portion of what the local fire departments and the police departments and the EMT units and all do routinely. A portion of what they do is the counterterrorism effort that we are paying them for. Most of what they do, of course, are city and local and State duties.

But there is a limit to what we can do. Now, what this amendment does, Mr. Chairman, is take monies out of the formula grants that goes to Kansas, Kentucky and Florida and the other States and puts $450 million out of that account into the urban area's account. We already did a lot of that in the bill. We have already reduced the formula grants, already $450 million below last year's level. And the urban area grants in the bill are $280 million above last year's level. We have already robbed Peter to pay Paul, and now Paul wants more at the expense of Peter.

We have got to be sure that the rest of the country is protected as well. Just because you are not a large urban area does not mean that you are not at risk from terrorist attack. Hundreds of U.S. agricultural documents have been found in the al Qaeda caves in Afghanistan and other places. It has been reported that a significant part of al Qaeda's training manual is devoted to agricultural terrorism, a frightening fact when you recall the reported terrorist interest in crop dusters.

No community is immune from terrorism. We were reminded of that on 9/11 when Maine played a major part in the staging of the attack on New York City, little unpopulated Maine. We do not want to ignore Maine again.

In 1984, followers of Bhagwan Shree poisoned salad bars in 10 restaurants in The Dalles in Oregon, population 12,000, the largest germ warfare attack in history.

The terrorists that bombed the World Trade Center in 1993 trained in rural Pennsylvania, 30 miles from Three Mile Island in the months prior to that attack. Timothy McVeigh, who destroyed the Murrah Federal building in Oklahoma City, planned his attack and purchased the materials in Herrington, Kansas, population 2,500. In January 2000, Yousef Karoun was arrested in Blaine, Washington, population 3,600, after authorities determined he was on the FBI's lookout list and found evidence of nitroglycerin on his vehicle. United Airlines Flight 93 crashed into Shanksville, Pennsylvania, population 245, after being hijacked. Local fire departments quickly responded. In the fall of 2001, two people linked to an international terrorist group were arrested in Beecher Falls, Vermont, population 238, after attempting to cross the border.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS of Kentucky was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Kentucky. In September 2002 a suspected terrorist cell was broken up in Lackawanna, New

York, a city south of Buffalo, population 20,000. Five convictions. And on and on and on.

Mr. Chairman, we have treated the urban areas in this bill better than we did in the current year, and we cut the formula funding for the rest of the country by a huge amount in this bill. We think we have already treated the urban areas fairly. If we had more money, we could treat them even better; but with what we have, we think we have treated them fairly. I would urge Members to reject this amendment.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABO. I just want to make sure where we are in the bill. Let me describe the problem. I think the last number read was the number on the bottom of page 22. The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would have come after that but before the top of page 23; but I think, in fact, the current amendment is amending the number on the top of page 23.

The CHAIRMAN. The portion of the bill currently open to amendment is the paragraph that spans pages 22 and 25, and it will remain so.

Mr. SABO. After this amendment?

The CHAIRMAN. After this amendment.

Mr. SABO. I thank the Chair.

Mr. KING of New York. Mr. Chairman, I rise in strong support of the Sweeney amendment.

On September 11, 2001, in my district and in the adjoining communities, hundreds and hundreds of innocent Americans were murdered. I made it my vow at that time never to allow that to happen again, do all that I possibly could to prevent that from happening again. We can have all the pages in this bill, all the money. The reality is it is only going to work if the money is going where it is needed. It is not a question of being fair. This is not some egalitarian movement here. This is to send the money to the areas of the country that need it the most. No area needs it more than New York City and New York State.

New York City was attacked in 1993. There were subsequent attacks thwarted in the Lincoln Tunnel, the Holland Tunnel, Federal buildings in New York, the Brooklyn Bridge; and, of course, there were the terrible attacks of September 11, 2001. The New York City Police Department alone, and this only encompasses 8 million of the 18 million people in the State, New York City alone spends almost $500 million in the NYPD. When you add the fire department and the OEM, it comes to almost $1 billion a year. Yet we are nowhere near being compensated for that. I am not saying this out of any parochial interest because I do not actually represent any area in New York City, but I live close enough to it to see the terrible damage that was done.

Mr. Chairman, right now we have hearings and investigations going on asking how could 9/11 have happened; why were we not better prepared. In many instances, it is unfair to look back in hindsight and say, well, this was wrong and that was wrong. But if it happens again, we have no excuse because we have been told what is going to happen. We know where it is going to happen. And I would ask those who oppose this amendment to say, what will they say if there is another attack and there is another 9/11 commission and asking why did you allow money to be spread all over the country rather than concentrate it on the areas that need it the most?

That is the issue before us tonight. It is not a question of so-called fairness. It is a question of the money being properly spent. If you are a police chief or you are a police commissioner and you are in a town or a village or a city, it is not your job to spread the police all over equitably. It is to assign them where they are needed the most, into the high-crime areas, the areas where the most danger is. The most danger right now, and this is not something that we ask for in New York, but by every account, New York is the prime target. That is where the money should be going. Instead, there is to me a dramatic shortfall in the money.

No, we cannot solve everything. We cannot give all the money that is needed, but it makes no sense at all to be moving back and to have that disparity grow larger and larger each year. We again will have to account to history if something happens again. We are here tonight. We can talk about, again, the various titles, the various sections, and the various allotments; but the gut question is, are we going to base this on a threat analysis? We have an Air Force which can only protect so many cities. Depending on the size, which are the cities most likely to be attacked? We do not send planes everywhere in the country. We put them over the cities where there is the highest threat. That is the way we have to allocate this money. It is not impossible to figure out. Give the Secretary of Homeland Security that discretion.

I realize because the amendment was ruled out of order that we cannot do all that should be done, but certainly the amendment of the gentleman from New York (Mr. SWEENEY) today to just put back in the money the President has asked for, we certainly on this side of the aisle should be those leading the charge supporting what the President of the United States wants to do to defend the country against terrorists coming to our land to destroy our people.

What I am saying in the interest of justice and to, certainly, people on this side of the aisle, stand with the President of the United States in the war against terrorism and remember that history will be our judge. If this amendment is voted down, we will have failed the test of history.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word. I rise today as a strong cosponsor of this crucial amendment. I want to thank my colleagues, Representatives SWEENEY, MALONEY, FOSSELLA, KING and the rest of the delegation for their support and leadership on this issue.

Mr. Chairman, high-threat areas have been at a disadvantage when it comes to securing Federal homeland security funds for nearly 3 years now. As a result, the Urban Areas Security Initiative was created to address the specific needs of these areas. But with insufficient funds and an increase in the number of cities eligible for these grants, even that program has fallen short of the mark.

□ 2215

The issue of how best to allocate homeland security dollars has been debated within the administration, within the Department of Homeland Security, and in at least five committees in this Congress, and many of us have engaged in these debates and believe the time has come for action. And I certainly respect the chairman's hard work on this issue, and we were in the committee together when he said that he is demanding from the Department of Homeland Security some specific guidelines as to this formula. By increasing funding for the Urban Area Security Initiative, this amendment is consistent with the President's budget proposal.

Quite frankly, it amazes me that we have gone this long allocating such a large portion of homeland security funds based on everything but the threat of a terrorist attack to a particular area or region. It is no secret that my home State of New York, where the threat is well established and widely acknowledged, receives less money per person than 49 other States. Frankly this defies logic. So I want to be very clear. None of us are proposing to eliminate funds for any region or area of the country. What we are proposing to do is to ensure that those cities that are facing the greatest threat from terrorist attack have access to the resources they need to face these threats head on. We just simply cannot continue to wait, wait for the Department of Homeland Security to come up with a better formula, wait for another committee to come to a conclusion. We cannot wait. We cannot ignore the very real and urgent threats that loom over so many of our high risk areas.

I will not repeat, Mr. Chairman, the numbers that the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. KING) presented to this group. We know the numbers. We have met with the New York City Police Department. We understand what they are spending each day, each month, each year to protect this city and to protect the surrounding environment. This is so very important. It is important to all of us. It is important to us as New Yorkers, it is important to us as Americans. And I just

want to urge my colleagues to do the right thing, to support this amendment, and I appreciate the chairman's willingness to cooperate and to respond to us.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces to the Members that if Members rise simultaneously, the Chair recognize, as first priority, members of the committee.

For what purpose does the gentleman from Tennessee (Mr. WAMP) rise?

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WAMP. Mr. Chairman, I rise, as a member of the subcommittee, to speak in opposition to the amendment but with the highest respect for the unity from the New York and New Jersey delegations. It certainly transcends party, and I love New York. The older I get, the more I love it. And I especially love the way that they all pulled together after September 11 and continue to stick together on important national priorities such as this.

But I just want to make a couple of points. We had well over 50 hearings at the subcommittee, we have had in the last year and 5 months. Many of these are highly classified or even at the top secret level. And while I am not going to talk about anything that is talked about, we have to assume, we have to assume, that terrorists plotting a future attack may very well commit that attack on several fronts simultaneously and certainly not just in an urban setting.

For instance, in the foothills of east Tennessee after September 11 people felt relatively safe and secure even within days of the attack because they did not live in a highly populated area. We must assume that the terrorists in the future will want every American, regardless of where they live, to be afraid and to live in fear because that is their weapon is fear.

These grants under the formula are heavily weighted towards population. But they are not heavily weighted towards infrastructure targets. And I will give another example. On the west side of the State I live in, Tennessee, Memphis is there, and Memphis qualifies for some of these grants under high density. But I have got to tell the Members that the nuclear weapons are in my district in east Tennessee, but the most populated area is over there but not around the nuclear weapons plant. Frankly, we do not want the nuclear weapons plant to be in the heart of all the people, but it is a target, and so are our nuclear plants and our dams and the infrastructure that is there.

So I think we have to have a balanced approach. I really love it that my colleagues are willing to fight for their people. I really believe that they are doing the right thing. But I think we had better be careful as a subcommittee that we do not get carried away or even send the signal inadvertently to the terrorists that most of the money is going to go into the big cities and the highly populated areas. They need to know that we are covering all of our bases and all of our infrastructure and that we expect them to hit us on multiple fronts simultaneously in the future and that we are spending the money in a comprehensive way around the country and that we are not putting almost all of our eggs in a few baskets, and that their method before, which was primarily to use airplanes as weapons of mass destruction, is probably not the kind of attack they are going to launch in the future. It will be different, and it may be with biological or chemical agents. And I have got to tell the Members those first responders in those communities had better be ready as well. And that is what we are trying to do is make sure that the whole country is covered.

I know the chairman and I are from a more rural area, but please do not believe for a second that we do not want to make sure that all of the highly populated areas are covered, not just satisfactorily but well. And we are going to work with them on this and I think we have done a reasonably good job. And I know they are coming down here tonight to defend the people that they love and we love. But this whole country cares about New York City and New Jersey and all the people that perished, and we are all going to stand together to make sure that we are covered.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I appreciate the gentleman's statement very much, and he is exactly correct. We love New York City. I cannot wait to go there for the convention in a few weeks.

But let me just say this: In the High Density Urban Area Grant Program out of which New York will receive a good sum of money, we are almost at the President's recommended level. We are at $1.175 billion, which is almost twice what it is now. We have almost doubled the money in that account.

In addition to that, the State of New York—and New York City will get roughly half of the money that goes to New York State. That kitty is $750 million. It only leaves $500 million for everybody else. Give me a break.

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

First and foremost, New Jerseyans would like to thank the gentleman from Kentucky (Chairman ROGERS) for his tireless work crafting this bill. In an environment of overwhelming national security needs, he has achieved, I think, a very fair and balanced bill which will give the agencies now under the purview of the Department of Homeland Security the resources they need to keep our communities and Nation safer.

However, Mr. Chairman, this evening I rise in support of the gentleman from New York's (Mr. SWEENEY) amendment to this bill. New Yorkers and New Jerseyans are joined at the hip in this regard. My constituents in New Jersey and those in the New York Metropolitan Area know better than most how vulnerable an open and a free society can be. We have put a very human face on the homeland security issue. Seven hundred New Jerseyans went into Lower Manhattan on that morning never to return home, and thousands of New Yorkers did as well.

The Sweeney amendment seeks to increase the High Density Urban Area Security Initiative from the $1 billion to $1.5 billion. By seeking increased funding of the Urban Area Security Initiative, we recognize, with the passage of this amendment, the unique threat faced by our most densely populated areas with significant critical infrastructure, with national significance.

Each year 212 million vehicles traverse our tunnels, bridges, and ferries. Our three regional airports are some of the busiest in the country. Nearly 60 percent of all containerized cargo handled by North Atlantic ports goes through the Port of New York and New Jersey, and a vast majority of cargo flows through our docks. Our rail tunnels under the Hudson serve our entire East Coast in the Nation, but particularly East Coast rail system, passenger and freight. They are urban security risks that are a critical mass and deserve extra protections. Our area both in New York and New Jersey has some of the largest oil refineries in the Nation and provides for oil for the East Coast and other parts of the country.

This amendment correctly recognizes that we must refocus our efforts on protecting our most vulnerable and likely targets, which are largely urban. The first responder teams who have faced the enormous task of securing these large population centers and their surrounding areas need our support and these extra resources this amendment can provide.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I join everyone else in congratulating the New York/New Jersey delegation on their enthusiasm and their vigor. This Congress has responded. It has promised New York in a rather dramatic fashion post-9/11. But let us be clear about what we are doing today. We are very substantially reducing the funding for local responders, fire, police, emergency personnel all over the country. We are doing that before this amendment and dramatically more if this amendment is adopted. The basic formula grant in 2004 was $1.690 billion. Under this bill it is $1.250 billion, a drop of $440 million. This amendment would reduce it by another $446 million. The Urban Area Security Initiative, $721 million last year, $1 billion, under this bill, already an increase of

$279 million plus another $446 million under this amendment for more than a doubling of this program, while the other program would be virtually cut in half, that deals with the balance of the country, most of the rural and moderate size communities in this country and many fairly large size communities.

Another thing that sort of strikes me in all this discussion, I hear about the initial grants in proportion of grantees that happened later on and that some terrible thing happened because the numbers increased. I recall that first grant by the agency. I asked them a question: What were the criteria they used to distribute these funds? I waited and waited and waited for an answer. I talked to a high up official, and they said, We will see you in a week, and I would wait another month or two. I am still waiting. We finally did have a briefing before the second round of grants were awarded, at which point we had some criteria. But this is no great science. I wish we had this total understanding where threats were in this country. Clearly large urban areas like New York, like the District of Columbia, are threats. But so are many other parts of this country. And in many parts of the country, the need for technical assistance, for training, for specialized equipment, it is probably more substantial than it is even in some of our larger urbanized areas. And these formula funds do not flow out willy-nilly sort of around the country. We have to develop a State plan and a regional plan to get these funds.

□ 2230

So it is not a dab here and a dab there. But States have to work at it; local communities have to work at it. They have to have regional approaches. They have to use these funds where they make sense to deal and respond to real projected threats.

So, Mr. Chairman, I wish we had all the money we needed. The fact is the base bill in total has some reduction in funding for local responders. The basic formula grant would be further reduced in a significant fashion by this amendment, while the urban security initiative, which is already receiving an increase, would have a substantial increase.

I do not think that is fair. I think we need to be fair to the totality of our country. In my judgment, the base bill, if anything, is skewed too much in changing money away from the basic formula grant. So I would urge defeat of this amendment.

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

Mr. Chairman, I thank the chairman of the subcommittee for the hard work and the challenges that he has. This is truly a difficult, difficult bill. The great problem that he has is his resources are finite. He has to choose wisely. But I think that is what this debate is about.

Our subcommittee had a lot to do with shepherding the original $20 billion to New York City to rebuild Lower Manhattan after this attack, and I know that the people of New York are deeply grateful to the Congress and to the President for keeping the commitments that were made to them. That city is thriving again. It is doing well.

I live in Syracuse, New York. The chairman of the full committee mentioned that there are a lot of New Yorkers here. My community will not benefit from this. I live 300 miles from New York City. In fact, I suspect that someone from my community could argue that by taking these funds away from Syracuse, I am not being fair to my home community. But as someone pointed out earlier, it is not really about fairness; it is about taking finite resources and applying them where they will have the most effect.

I believe, based on the activities, and I am not an expert on terrorism by any stretch, but I believe that when they attacked the United States and they attacked New York and Washington, D.C., they thought they could defeat us. I really believe that. They thought we would crumble. We did not. In fact, we came back stronger and hit them harder than they ever imagined it would be.

They will never defeat us. What they will try to do is get symbolic victories. Symbolism is important to them. They have little else. But they will strike, I believe, at centers of media, of financial, of American power, of American culture; and that is where we should place our bet.

Certainly, we need to support the communities around the country, and we do. I remind my colleagues, we provide three-quarters of a billion dollars to fire agencies all across the country in a competitive grant process to help them to prepare not only for homeland security but for the event of disaster and emergency within those communities.

These funds are antiterrorism funds. We need to put them where they will have the most effect. The chairman mentioned that the people who attacked New York City in 1993 trained just 30 miles from Three Mile Island. But when they were trained, when they thought they were ready, they attacked New York City, not the nuclear plant. That is not to say they would not; but they have limited resources, and we have to fight them on the grounds where they need to be fought.

Lastly, New York City, as I understand the figures that I have from the mayor of New York, provided by my colleague, the gentleman from New York (Mr. SWEENEY), who brought this amendment, and I thank him for doing that, he has provided great leadership on this, and he also is an upstate New Yorker. In the old days, New York was upstate versus downstate. That is not the case now. One thing this disaster brought to us was unity in our State. The numbers we have say that New York City received $375 million in 2004 in formula funds and $90 million in high-risk funds. That is not enough.

I urge strong support for this amendment.

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

Mr. Chairman, I just rise in strong opposition to this amendment. While everyone fights for money, and that is good, that is natural, it is what we would expect, the fact of the matter is these dollars have to be distributed across this country.

The gentleman talked about threat. Well, the way the dollars are given out through the committee, threat is the third highest priority. It is population, it is presence of vulnerability of critical infrastructure and threat; three times more emphasis put on population than on threat.

When you talk about defining threat, you tell me about what destroying our food supply in this country would mean: agri-terrorism. You talk about destroying the infrastructure that we have in this country outside of the major urban areas. When we start talking about the places of high threat, I think there is no way to calculate the number of places that can be destroyed.

We cannot write off the rest of the country. This bill already recognizes a balance between the urban areas and the rural areas. This bill gives the urban areas over $1.2 billion, directed to urban areas, $280 million more than last year; and now they want to take more away from everybody else in this country.

Every State has a plan in place. We have a lot of community entities, counties, in the State of Iowa that are trying to comply with those plans today; and they need the resources as much as any other place does.

If we are just talking about who has got the most people, that is one thing. When we talk about analyzing how people can respond to a threat throughout this country, that is another thing. Everybody in this House has approximately the same number of people, and we all love them as much as the next guy does. I want to protect my people as much as anyone in New York or New Jersey, but I think it is wrong to have all of these dollars go to one area out of my people's protection. It is simply wrong.

The gentleman talked earlier about we have got to do what the President said. He said we should have this many more dollars as far as urban areas. Well, let us just follow that.

If we follow the President's request, we would have no money in this bill for rail security; we would have cut firefighter grants by $245 million; we would have doubled airline ticket taxes; there would be $43 million less for air cargo security. You might be interested, if you are from New York, we would have no money for metropolitan response teams, for which the committee gave $50 million. There would be

$50 million less for radiological detection devices at our seaports and $29 million less for baggage screening at our airports. In fact, if we followed the President's request, there would be $500 million less in this bill to go to your protection.

I think it is a balanced bill as it is; and like the chairman said, is there ever enough anywhere? Well, maybe not. Will one more dollar do it in one place rather than another? I do not know. No one knows that. But the fact of the matter is, there are real threats in rural America; there are real threats in urban America.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for his statement.

Now, there is $900 million in the high-threat, high-density urban area grant program. There is also $100 million in the rail and transit security. That would go to the big cities, would it not?

Mr. LATHAM. Yes, it would.

Mr. ROGERS of Kentucky. And is there not $125 million for port security? The last time I checked the ports were in large cities, were they not?

Mr. LATHAM. The gentleman is correct.

Mr. ROGERS of Kentucky. Then we restored the $50 million for the metropolitan medical response system. Metropolitan means large city, does it not?

Mr. LATHAM. That is correct.

Mr. ROGERS of Kentucky. So when you add all of those moneys together, this bill is chock full of money for the big cities; is that not correct?

Mr. LATHAM. Mr. Chairman, reclaiming my time, obviously the chairman is correct.

The fact of the matter is, I honestly believe there is not enough money for the formula grants. As we are pursuing this amendment, I have another amendment where we will transfer $275 million back into the formula grants, because I think it is so important that the entire country be protected, and not just certain areas who cannot define threat and are only basing their premise on how many people live in one area.

Mr. KIRK. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise not as a New Yorker, but as a Midwesterner and as someone with 16 years' experience in the intelligence community; and I rise to reluctantly support this amendment because it stands for the principle that our homeland defense dollars should be allocated against the threat and not allocated by State.

Our intelligence against al Qaeda should guide where we deploy these defenses. In point of fact, many States have never been mentioned by al Qaeda or any other major terrorist organizations, but other targets are always mentioned: New York City, the Seattle Space Needle, the Sears Tower, nuclear reactors in the United States, the largest airports, and, of course, the White House, the Capitol and the Pentagon.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, do they mention Columbus, Ohio?

Mr. KIRK. Reclaiming my time, they did not, but that was not the point of the attack. The point of the attack, as I will go into, is always returning to the same targets, as it has in Kenya, as it has in Sudan, as it has in Tanzania.

Once the U.S. Marines and Army Special Forces overran the al Qaeda offices in Afghanistan at Tarnak Farms, we got a clear picture of what the terrorists target. We all know that Osama bin Laden struck the World Trade Center in 1993 and then struck it again in 2001.

As one political party holds its convention in New York City in 2004, we know it is a target again. We cannot let homeland defense dollars be spent where there is no perceivable threat. We do not have enough funding to fortify the whole country; therefore we must be guided by the intelligence.

If the intelligence showed that al Qaeda consistently targets Wyoming or Mississippi, then that is where the funding should be directed. But it does not show that. It shows that the targets are places consistently mentioned by Osama bin Laden and his lieutenants which are known to him in Afghanistan and Pakistan. These targets, over and over again, are New York, Washington, Chicago, Seattle, and other key sites regularly mentioned by al Qaeda.

If we use the funding in this bill to fortify the wrong parts of this Nation, then we will be weak where we should have been strong. If we fortify the right places of our country, then we will blunt their attack, and we will protect the American people.

I believe the intelligence should guide this funding, and I urge support of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman will yield further, I think we are all in agreement on the idea that the moneys eventually should go based on threat and risk assessment. We are all headed in that direction. I am trying to push the Department, certainly by the end of this year, to establish minimum essential requirements for every community so that everyone, based on a graduated size of the community, would have requirements to be prepared, based on the threat that faces that particular community.

That is a really complex undertaking. But it is being undertaken. Hopefully, the 2005 moneys we are appropriating will be spent based on that plan. It is not quite in place yet. That way, we would all be satisfied, rural, big city, medium-sized city, what have you. If you are a city of 5,000 people, there is not much preparation perhaps you need, unless you are near a nuclear power plant or a big dam close by or what have you, which can be modified in that fashion. If you are a large city, a New York, a Washington, a Seattle, obviously you are going to get lots of money. But we are all headed toward the same direction.

I do not want us to get sidetracked, as we seem to be doing with this debate, pitting region against region. That is not right. We are all one country.

Mr. KIRK. Reclaiming my time, I worry that that process will be too slow, and that Osama bin Laden does not see this country as big State versus small State; Osama bin Laden does not see this country as urban versus rural. He knows of a few big targets. From his cave looking at the TV pictures, he has identified those targets; and we need to let our funding be guided to defending those targets so we can blunt the attack.

Mr. ROGERS of Kentucky. If the gentleman will yield further, there are other threats besides Osama bin Laden. As I earlier said, and perhaps the gentleman was not here at the time, there are all sorts of groups out there that have already caused harm, in such places as The Dalles, Oregon, population 12,000.

□ 2245

Timothy McVeigh, who bought his materials in Harrington, Kansas, population 2,500. So there are all sorts of threats out there in cities of all sizes.

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

Mr. Chairman, I rise in strong support of the Sweeney amendment and in appreciation to the New York and New Jersey delegations and many from Chicago and other areas that are supporting this important amendment.

Mayor Bloomberg is watching this debate, and his office just sent me a note and asked me to clarify on the floor today that New York City got $90 million last year out of the $3 billion given out for homeland security to State and local governments; $35 million in high-threat money, and $53 million from the State grant program, bringing the total to $90 million out of $3 billion for New York City. His office asked me to note to this body that last year New York City spent well over $1 billion on homeland security, and I really am urging my colleagues to do the right thing for the security of our Nation and support the Sweeney amendment.

It has been 2½ years since 9/11, and we have heard numerous reports, intelligence reports, as my colleague, the gentleman from Illinois (Mr. KIRK) mentioned, and I support his comments completely; and numerous warnings about terrorist plans for more strikes on America. Alert after alert, Code Orange after Code Orange, we hear that the terrorists have their sights on

high-impact targets. In other words, the terrorists continue to want to strike centers of power and population, just as they did on 9/11. Their goal is to kill as many as possible, send as big a message as possible, and disrupt American institutions as much as possible.

Mr. Chairman, despite that knowledge, our homeland security funding since 9/11 has been, in large part, misguided. We continue to push limited resources through a bad formula that sends a disproportionate amount of money to prairies and pastures rather than population centers. We cannot wait out the game being played with that formula, because the terrorists do not plan on waiting for us to be ready.

Mr. Chairman, the Sweeney amendment will bring one measure of immediate assistance to the cities and communities that are squarely in the terrorists' bull's eye. All we are asking is that we do what President Bush wants. After 2 years of misguided homeland security budgets, the President finally called for a doubling of the Urban Area Security Initiative funds in his budget proposal. Sending more assistance to the communities most at risk is the best way to get the money where the threat is, right now.

New York is terrorist target number 1. Everyone says that. And I repeat, we have spent over $1 billion out of our own pocket for security, but we have gotten a mere fraction of that back from the Federal Government. There is no reason that New Yorkers should have to watch New York City close down over six firehouses. We have fewer police and fire today than we had on 9/11. The radios that did not work on 9/11 still do not work. The HAZMAT suits destroyed on 9/11 have not been replaced. Yet, there are press reports across this country about many communities getting money, and they even say to the press we do not know what to do with it. We should not be sending more gas masks to certain areas than there are even police officers, sending more homeland assistance to low-threat communities than they know what to do with while our high-threat communities struggle to keep their heads above water. It is not fair, it is not smart, and it certainly is not secure.

At the very least, this amendment sends the message to the American people that we do, in fact, understand the need to base assistance on where the threat is and, more importantly, it finally sends more assistance to the communities that desperately need it. The Sweeney amendment does exactly what the President's budget requested.

So I request my colleagues to join us in supporting this.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, briefly, since the gentlewoman says the Mayor is listening and says he only got $90 million in 2003, the figures that I have are different.

Mrs. MALONEY. In 2004.

Mr. ROGERS of Kentucky. The city in 2003 received $256 plus million, and I will get back with the gentlewoman on 2004 in a minute.

Mrs. MALONEY. Mr. Chairman, reclaiming my time, a point of clarification. The numbers that I cited came from the Mayor of the City of New York. His office literally called up, they are watching the debate, and said, please clarify, New York City got $90 million out of the $3 billion.

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

Mr. Chairman, I rise in opposition to my good friend, the gentleman from New York's (Mr. SWEENEY) amendment. This is not easy to do, because the tragedy that New Yorkers and so many from the surrounding area felt on 9/11 was our Nation's tragedy and touched every person in every community in America.

But our Nation's urban areas are not the only areas at risk in the United States today. We cannot disregard the many what-ifs facing first responders and others working to secure our rural areas.

What if a catastrophe occurs on a barge carrying fertilizers or other dangerous chemicals through the Upper Mississippi River or its many tributaries? What if a truck carrying a payload of toxic materials is hijacked on the thousands of miles of our Nation's rural highways? What if terrorists seek to operate training grounds with the purpose of planning terrorist attacks in our rural areas?

Clearly, there is an obvious need to equip our Nation's cities with adequate resources to prevent and respond to emergency situations, but it is also not responsible to suggest that urban areas are the sole targets of those individuals who wish to do us harm.

Mr. Chairman, homeland security efforts in our urban areas are funded more than adequately in the underlying legislation, and I, for one, cannot in good conscience tell my neighbors in Cape Girardeau, Missouri or my constituents in Rolla or West Plains, or even those who live near prairies and pastures, that protection of their lives is any less important than those who live in New York City, Los Angeles, or Chicago.

I urge my colleagues to oppose the Sweeney amendment.

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

Mr. Chairman, I rise in support of the amendment and, as has been stated repeatedly here and warrants repetition, is why this is the right thing, what we know and why this is right.

What we know is clear and obvious. What we know is that a terrorist seeks an area to destroy not just innocent people, but the morale of an entire Nation. And while it may be a couple of years ago, September 11 is alive and well here in this country.

In Staten Island and Brooklyn alone, almost 300 innocent people lost their life, lost their life. The terrorists knew that. They still do. It was not unique. In 1989 they attempted to blow up the Trade Center. They have conspired to blow up the Holland Tunnel, the Lincoln Tunnel, the George Washington Bridge, and the United Nations as well. It is still real.

What is right is to send the money to where it is needed. If after September 11 we united as we did as a Nation, and we are grateful to the Congress and the President for coming through for New York City and New York State, if after September 11 we decided to go after the terrorists where they were, where the threat was, and Secretary Rumsfeld deployed the 101st Airborne to Switzerland, we would have laughed him out of Washington. Or, if he said, let us put an aircraft carrier in the Great Salt Lake, because we are going to protect the homeland; one home, not 50, one home, we would have laughed him out. If he said, let us get the Air Force deployed and launch a strike against Antarctica, we would have laughed him out.

So this notion that we have to send money everywhere for the sake of sending money everywhere really compromises the second component of what this committee is all about: our homeland, all of us together, and security. Let us not send money somewhere so we can say we cut the check.

The point is that it is not just New York City, it is not just the city residents, and it is not just the residents of New Jersey. It is the residents of Chicago, it is the residents of Los Angeles, it is the residents of Houston, Texas, and it is the millions of people who go to those cities: your families, our friends, our fellow Americans and, yes, people from around the world who come to these cities, New York, for example, who expect a level of security. We want them to visit for a few days and go home peacefully, spending money in the meantime, but let them come and enjoy it.

The fact is clear, I say to my colleagues. The right thing to do is to recognize that the City of New York, on a daily basis, incurs millions of dollars of expense to protect not just the residents of New York City, the people who work there every day and the millions of people who come. We need to reengineer this formula. We need to reengineer and do what is right, not just for the urban areas, but send the money where it is needed the most where the terrorists are looking towards, and they are looking towards New York again. Let us not look back in a year or two as my colleague, the gentleman from New York (Mr. KING) said earlier and the gentleman from New York (Mr. SWEENEY) and others have said so eloquently, let us not look back in a few years and say, well, we should have done something better. We have the opportunity tonight to do just that. I urge my colleagues to support the amendment.

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

Mr. Chairman, this debate seems to be occurring almost in a vacuum, because it seems to ignore the fact that we are at war. There was a very serious war launched upon us by the Jihadists, the Islamists, whenever you want to call them. They want to kill as many Americans as possible. Where you get the biggest bang for the buck is in an urban area, because you can kill a lot of people in a small area. If a plane crashes on a farm, maybe you kill a person or two, but not too many more.

We are not responding properly. We are not taking it seriously enough. We ought to be spending billions and billions of dollars to properly protect all of the threatened areas of this country, all of our cities, all of our nuclear power plants, all of our chemical plants. We ought to do a threat assessment on the whole country. We ought to repeal some of the tax cuts and spend the money to defend ourselves and take it as seriously as we did in 1942, but we are not doing that.

And since we are not doing that, we have to prioritize the money that we do have, the grossly inadequate amounts of money; maybe more than last year, but the grossly inadequate amounts of money to protect ourselves against our enemies. We have to prioritize them where the real threats are. There should not be a grant on the basis of population.

In 1942, when Admiral Nimitz had to decide where to send the fleet, he did not look at where the population was on the West Coast or in Midway or in Hawaii; he said, where is the Japanese fleet likely to attack, and that is where you spend the money and send the aircraft carriers.

We are probably going to be attacked again. Thousands of people may die, and our job is with the money that is made available to spend it in the way most likely to minimize the casualties in this country.

That is what this amendment seeks to do. Is it fair? No, it is not fair. It would be fair if we spent a few billion dollars more to defend our people. That would be more fair.

□ 2300

But we do not have that money. It is a different debate. We should spend the money based on the threat, and the threat we know, as the gentleman from Illinois said before, we know where the enemy, where Osama bin Laden and his friends and confederates, we know what they are looking at. They are looking at our major urban areas. They are looking at the Space Needle in Seattle, the Sears Tower in Chicago and so forth.

Yes, the bill that the committee propounded in some respects is better than the inadequate proposal that the President made, and I commend the committee for it; but this amendment makes it better yet.

The fact of the matter is, we passed a tax bill earlier today that gives great breaks for tobacco farmers. It has a tobacco buyout in it. I did not hear anybody from New York saying, my God, we should not do that. Nobody in New York benefits. Nobody in New York benefits from the wheat subsidy. We do not complain about that because we do not have any wheat farmers in New York. We should not benefit from the wheat subsidy.

The money that is appropriated by this Congress ought to go where the need is for the purpose for which it is appropriated. The money that is appropriated to defend us in a war ought to go where it is going to be maximally efficient in its use in protecting Americans from enemy attack. That is what this amendment does. That is why it ought to be adopted. Everything else is irrelevant.

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

Mr. Chairman, I first want to compliment the chairman of the subcommittee for the bill he has put together. This is a very difficult and challenging process. This bill is perhaps, if not the most important, certainly one of the most important pieces of legislation that we will consider all year for the safety and security of our Nation and the people of our communities and our families. The chairman has worked extremely hard to do that.

I do rise in support of the Sweeney amendment because I think this bill can be better. Mr. Chairman, we face a threat from a cunning enemy bent on interrupting and destroying our very way of life in this country.

The past has shown, and intelligence continues to suggest, that terrorists have targeted our Nation's highly populated areas, our seats of power, and our symbols of military and economic might. Now, I represent a district in New Jersey. I do not represent New York, but I represent thousands and thousands of New Jersey citizens who work and play and live in some way or another in New York. They travel into New York City. I lost 81 constituents the day of 9/11 in the World Trade Center.

The fact is that in a more densely populated area you are going to be a bigger target for those who are seeking to do us harm. Now, the current funding proportions set in place to allocate first responder grant funding is inadequate. It places our Nation and our vulnerable urban areas under greater risk. It is vitally important that we address our Nation's homeland security requirements where they are needed most, highly populated and symbolically significant areas of our country, symbolically significant areas of our country.

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

Mr. FERGUSON. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, the gentleman reminded me of two important points that I do not think have been stressed here, and I very briefly want to state them.

One, it has been a misnomer by a number of Members who have come to the floor today pointing out that there is critical infrastructure throughout this Nation that needs to have security dollars addressed and directed towards it. This fund, the UASI fund, the high-threat fund includes all critical infrastructure.

Point number two is that this is not about any region. This is not about New York. This is about the whole Nation. As my friend, the gentleman from New York (Mr. FOSSELLA), said earlier, this is about one family, not 50.

Mr. FERGUSON. Mr. Chairman, I thank my friend from New York, and I appreciate his work on the amendment, and I obviously support the amendment.

Already, many of our States and districts, including mine in New Jersey, have received millions of dollars in important first responder grants. These grants are important for keeping America and our communities safe and strong and free. The distinct and immediate need for separate funds to be dedicated to high-threat urban areas was first recognized during the appropriations process in 2002 with the establishment of the Urban Area Security Initiative.

It is time now that we further our commitment to addressing the needs of our high-risk areas by transferring $450 million to the Urban Area Security Initiative from the formula base grant funding pool. This request, as has been said, matches President Bush's request for the UASI and represents a pragmatic approach to funding homeland security needs.

Mr. Chairman, the terrorist attacks on September 11 left a terrible and lasting mark not only in my district in New Jersey but on our entire Nation. We have to heed the lessons of that day to do our best to secure our Nation's most vulnerable and highly populated areas. Common sense dictates that we must direct money where the threat is felt the most.

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

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment put forward by my friend, the gentleman from New York (Mr. SWEENEY). For the record, although I am proud to be a New Jerseyan, I would point out my district is about 80 miles away from New York City. It is really not part of the New York City metropolitan region; but I do not think that is the issue here, because this amendment is not about the New York City metropolitan region or Chicago or Seattle or Los Angeles. It is about the national interest.

It is indisputably true that there is not a village or a hamlet or a town in America that is immune from a terrorist attack. It is indisputably true that the terrorists may choose to strike a rather small, obscure place simply to prove a point, that they can, and to spread the fear that is there.

To address that problem, it is important to have some resources for every part of the country; and the chairman has put together a bill which very wisely does that. And I commend him for it, and I support him for it. But we cannot really legislate based on ''what if.'' We have to legislate based on ''what is.'' And the public record of the intelligence reports, not disclosing anything that is not on that public record, clearly indicates, as the gentleman from Illinois (Mr. KIRK) said, a pattern by the Islamic racialists to focus their efforts on targets that would be known by a person who is on the street in Beirut because they want to make a point that they are striking the infidels. So they strike a symbol so that when it appears on international television, their horror and twisted victory can be understood by the audience to which they are playing.

It is not a coincidence that on September 11 the symbols that were struck and the symbols that were targeted would be symbols that would be known throughout the so-called Arab street. That was the purpose.

The public record of intelligence clearly can lead us to the conclusion that high-visibility, well-perceived targets are the most likely places for this kind of terror to strike. It is the national interest to prioritize the spending of money in these ways, not a parochial interest for people from large cities or from particular large cities.

Very often we have supplemental appropriations bills come to the floor of this House, and they deal with wild fires in California, or they deal with floods in the rural Midwest, or they deal with natural catastrophes that happen throughout the country. It is our tradition and it is to our honor that we stand up and nearly to a man or to a woman vote to support that aid because our neighbors need it, and they need it more than we do.

I have rarely in my time here heard a Member say that they will not support flood relief aid or hurricane relief aid for part of the country because that part of the country is getting too much. Instead, there is an acknowledgment that when one of our areas has a time of greater need, each of us rises to the occasion and vindicates the national interest in that way.

The bill that is before us does not ignore the needs of rural America. It does not ignore the needs of the less populated areas of the country. I do believe that the decision the bill makes disproportionately funds those needs, however. And I do think the right allocation is to reflect the best judgment of the intelligence community and to adopt the amendment that the gentleman from New York (Mr. SWEENEY) has put forth.

The fundamental answer, I agree with the gentleman from New York (Mr. NADLER), is that we have not given enough resources for this problem overall. But we can not legislate based on what if. We have to legislate based on what is. And what is is the credible judgment of the intelligence community that high-population, high-target areas are the most vulnerable and most likely places for us to be assaulted. We should adopt the Sweeney amendment and reflect that good judgement.

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

Mr. Chairman, I reside in the State of California. We are a bunch of pigs when it comes to money. California and New York City, a bunch of pigs when it comes to money.

Why? Well, let me give you a couple of examples. California, San Diego, where I live, population, one in eight Americans lives in the State of California. We have a nuclear facility just outside San Diego. We have got one of the most expansive borders to cover. We have aircraft carriers in the port along with nuclear ships in San Diego.

□ 2310

We have a multitude of military bases. We have one of the largest biotech facilities in which we use radioactive materials, even though it is not very strong, but we have got to bury it. It could be used for a dirty bomb, and I personally feel the biggest threat we have is New York City and Boston before November. Al Qaeda tends to do what they have been successful at, and when Spain capitulated I think that put all of us at more of a risk.

Mr. Chairman, sometimes some of the delegation in New York have been so liberal, so willing to cut defense, so willing to cut intelligence, so willing to bash a President that provided billions of dollars in a rebuilding of New York. The same President that is going to kill or capture the very people that they are fighting to get extra money for before they kill them and their children. I think that is wrong.

Part of me wants to take every dime away that we have given to New York, but that would be wrong and I will not do that. I will not even try to do that because it would be wrong because my colleagues have got millions of people there that depend on it.

But my colleagues know that recently we had an Ohio shopping center that was going to be bombed. We had a facility in Los Angeles. Would it be the San Francisco Golden Gate that was threatened?

The reason I got up to speak is that there is not enough money in the whole world. The advantage of a terrorist is that they can pick an infinite number of targets, whether it is in St. Louis, whether it is in the snake pit in Oklahoma during a ball game or whatever.

The balance that we should do is what the committee has chosen to do and look to provide local police and first responders the best that they can do, to react regardless of where the terrorists do hit us.

My biggest threat and biggest fear, can my colleagues imagine what smallpox would do in two cities? In 2 weeks we would lose millions of people, and can we respond to that? That is why I think that this important and balanced bill needs to point out not gobs of money for one. I think New York should get a little, probably more than other people because it is a threat. I think Boston, with the upcoming Democratic Convention, should be protected, but I think it should be balanced out around because no one knows what those threats are.

If I was al Qaeda, I would guarantee my colleagues I would find a target that we are not protecting. There is no way we can protect them all, and I think the best thing we can do is provide a little more for those areas that are threatened, not a lot like some of us are asking for, but to spread it out so with much as we can we can protect those sites because I guarantee my colleagues, it may be just a shopping senter in Oshkosh or somewhere else.

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

All one has to do is look at today's newspapers, look at what the 9/11 Commission has found, and we can clearly see that al Qaeda is looking to strike where they can make the worst hit and that is in the urban areas. I do not mean to denigrate the good work that has been done on this bill. There are a lot of people who have done a lot of good work, and it is very, very hard, and the point has been made that we are not funding homeland security to the extent that we should.

But the American people know the difference between what is necessary and where the threat is, and the difference between that and pork, and quite frankly, we should not be using this bill to spread the wealth around, this pork, so each of us can go back to our districts and say we produced a little bit for our constituents. We should put the money where the threat is.

I really have to vehemently disagree with the idea that States with virtually no threat of a terrorist attack are getting as much as $20 more per capita than New York gets. That is illogical, it is unfair and it makes no sense whatsoever.

I rise in strong support of this amendment. This allocates more money for the Urban Security Initiative which would send more preparedness dollars to high threat areas. It makes sense. Doing so would better prepare first responders where terrorists are most likely to attack.

Our colleagues have mentioned that we know that the terrorists want the biggest bang. We know that New York City and Washington have already been hit. One does not have to be a rocket

scientist to understand that this is where the biggest threat is.

New York obviously has taken the brunt of terrorist attacks, yet we get shortchanged on preparedness dollars while States that have little or no risk are raking in millions. Again, that does not seem fair, and it does not seem right.

Hundreds of New York's fire fighters and police officers died responding to the World Trade Center attacks. The September 11 Commission has highlighted a number of areas where New York's first responders needed more resources to respond to a large scale attack that occurred. We can rectify the problems that our heroic fire fighters and police experienced on September 11 if we have the proper resources. Currently, our first responders are underfunded and overworked, as New York continues to remain in a heightened state.

New York remains a prime target, and scarce resources are being diverted to areas that are not really at risk of terrorist attack. We owe it to our firemen and police in New York who will be tasked with responding to a future attack, we owe it to them and the residents of New York to do all we can to prevent and prepare if another 9/11 should happen again.

Now, I understand that all of our colleagues must return home and talk to their constituents about homeland security. I certainly understand that every American is just a little on edge. I understand because when I go home and talk to my constituents they fear that although many terrorist plots have been thwarted over the years, one may eventually be successful, but I want to once again repeat, we are not talking about hypothetical threats in New York. The threat is very real.

So I am asking my colleagues to step back. Please do not make this about funneling money into your State. As we all mentioned before, we are all Americans but not all of us have had our local economies destroyed, our cities bombed and our neighbors murdered. I am asking my colleagues to put the money where it is needed most but also where it would do the most good.

We are an institution representing the entire Nation. We are in charge of making tough decisions about how best to use our scarce Federal tax dollars. Putting more money into the high threat account should not be one of the tough decisions. It is the logical one. It is the right one, and I want to repeat, it makes no sense that States with virtually no threat of a terrorist attack are getting as much as $20 per person more than New York gets.

So I strongly support the Sweeney amendment. Again, it is fair, it is right. We are one Nation. We need to put the money where the threat is. Please support the amendment.

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

Mr. Chairman, this has been an outstanding debate. It is a vital question for our country to decide.

As chairman of the Select Committee on Homeland Security, I cannot help but notice that the September 11 Commission in its findings, issued as part of the final round of its public hearings, has just released details from interviews with 9/11 mastermind Khalid Sheikh Mohammed and Ramzi bin al-Shibh, a key coordinator of the 9/11 plot, indicating that these al Qaeda terrorists had, in addition to the plans that they actually executed, a more elaborate plot to use 10 airplanes to strike large cities on both American coasts, to hit the tallest buildings in California and Washington State.

I also know, as does my colleague the gentleman from Texas (Mr. TURNER), ranking member on the Select Committee on Homeland Security, as a result of our routine briefings from the Terrorist Threat Integration Center, that there is no question that such planning continues.

If we spread our homeland security dollars about the country in a diffuse and diluted fashion, we may not live to regret it.

□ 2320

It is vitally important that we recognize that our urban areas are threatened. At the same time, suburban and rural areas of this country are also threatened. They have chemical plans, pipelines, military bases, energy infrastructure, agricultural fields, transportation corridors, including rivers, barges and so on.

Risk which matches threat against vulnerability applies equally to urban and rural infrastructures and populations. Regrettably, the bill that is before us does not give us an opportunity to vindicate what we know is good policy, and that is to substitute for political formulas an allocation of first responder moneys based upon risk. The gentleman from Kentucky (Mr. ROGERS) said it is very important for us to move there, and I could not agree more.

With this amendment, we have something of a bittersweet opportunity because the amendment would transfer .45 billion dollars from a formula that admittedly is a political formula, not based on risk, to 50 of the most-threatened urban areas in the country and 30 of the most-threatened transit areas to be determined by the Department of Homeland Security, also a political formula. But at least this political formula is based in part on the actual terrorist threat and therefore putting the amount of money into this program that was requested by President Bush and by the Department of Homeland Security and taking it out of a pot that is allocated strictly according to population and strictly according to political formulas is a modest improvement.

The high-threat urban areas program, however, which this amendment would transfer money into, distributes funding only to those cities deemed high risk, meaning that Federal moneys are unavailable to 23 States without cities covered by this formula. It also means that 30 percent of total terrorism preparedness funds are off limits to 23 States. That is an imperfect result.

Mr. Chairman, terrorists have limited resources and focused energies. Congress should allocate first responder funding in a similar manner with money directed toward the places most at risk. The current process in place to allocate first responder grant funding is inadequate. It places our Nation under greater vulnerability.

Cities that apply for high-threat grants are given scores according to three factors: Population, vulnerability and threat. As I said, since this money is coming out of a pot, 60 percent of which is going according to population anyway, it is a modest improvement to send that money which was going to go to high population urban areas in the first place according to a formula that takes threat into account. That is marginally better.

Mr. Chairman, while this amendment is not an ideal vehicle for resolving these issues, it will at least allocate more of the funds in the bill according to threat. Sixty percent of the formula grants from which the .45 billion dollars would be taken are already allocated strictly according to population.

The gentleman from Kentucky (Mr. ROGERS) said it best, we should move to a threat allocation of homeland security dollars. In the meanwhile, the Sweeney amendment is a small step in that direction, and I urge my colleagues to support it.

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

Mr. Chairman, I rise in support of the Sweeney amendment. We have essentially, as we try to figure out the way to do this, made or compounded three fundamental areas in allocating resources. First, I think there is consensus among a lot of law enforcement organizations across the country that have not allocated enough money, we need to do more.

Secondly, when we first began this process, we did it entirely based on population and we had the unusual circumstance that States like Wyoming got much more per capita than States like New York, and we in Congress and this subcommittee acted to respond to that challenge by creating a new high-threat, high-density program.

It was not Congress that then screwed that up, it was the Department of Homeland Security who took that program and expanded it and expanded it and expanded it to more and more cities. We had the unusual and almost surreal experience of having cities lobbying to be considered high density, high threat to the point now that we have some cities on that list of 50 that do not even have minor league baseball teams.

Perhaps this is not the vehicle, but I know the bill of the gentleman from California (Mr. COX) that is moving its way through the House seeks to take that list and limit it more closely to true high-threat, high-density areas.

A third mistake that Homeland Security has made, and the gentleman from California (Mr. COX) just referred to it, is we have this bizarre formula that takes high-threat money and allocates it first by population by a factor of nine, and then infrastructure by a factor of six, and finally threat by a factor of three. Even when we in Congress say let us allocate money based on threat, we are getting it wrong. I understand the gentleman from New York (Mr. SWEENEY) wanted to address that in this bill. It was struck down on a point of order, but we need to figure out a way to fix that problem because even when we are getting money out the door theoretically addressed toward threat, Department of Homeland Security says it is not getting there because of the formulas that they are setting.

I would say, not to reiterate what others have said, is that frankly Members can make the argument that every place in the country is a potential threat. Hypothetical threat is something we can all describe. For some cities, though, it is not hypothetical. It is real. For some cities, there are actual threats.

What I would ask is there any homeland security expert, anyone who has said on the record the way we are allocating funds in this bill makes sense? I can tell Members the people who do not, people like the police commissioner of New York, people like the 9/11 Commission, people like Secretary Ridge, who himself has now said there is no doubt in his mind that the way we are allocating money is simply wrong and needs to be redirected. This is the man who came to that position after months and months on the job, and I am glad he did.

When we talk to intelligence officials and Department of Defense officials about how they do their job, they allocate resources based on real threats, they do not do it based on hypothetical threats.

I would say it is true that the Sweeney amendment does not do everything, and I would also reiterate what so many of the opponents of this amendment have said that I agree with, and that is that this should not be regional fight. This should not be factions inside of factions fighting over this fund.

I have no intention on the agriculture bill to come to this floor and demand that New York City get a piece of that pie. It simply would not be appropriate, and I do not believe it is good policy. In this case, though, when we have real threats to places like New York, I believe the funding should be allocated.

Just to give an idea what a real threat is, I just cite for the RECORD the story of Iyman Faris, a guy who comes to New York, sits by the Brooklyn Bridge, eats lunch at a Pakistani restaurant by City Hall, and then reports back to his handlers it is too hot.

What did he mean by it is too hot? He observed at all four stanchions of the Brooklyn Bridge an NYPD cruiser that is there all day, all night at extraordinary expense to the people of the City of New York. And they decided not to do the operation, which was a plan to blow up the Brooklyn Bridge. That is not hypothetical. It is an actual threat.

I do not think it is unreasonable that a greater portion of the money coming out of this bill goes towards places that have to deal with those threats.

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

Mr. Chairman, I rise in opposition to the amendment. I want to congratulate the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), for crafting what I think is exactly the right approach.

Their bill recognizes that all of America needs to be protected at least a little bit, and those areas of the country with the greater risk get the lion's share of the money, something like 60 percent. The bill that we had through the Committee on Transportation and Infrastructure was 70 percent, and that is exactly the right thing to do.

□ 2330

Terrorism can be the cause behind a chemical release in Texas, a hijacking in New York, a bombing in Wyoming, or the destruction of a lock on the Mississippi River.

In 1994, Mr. Chairman, I was elected to this Congress with three other freshmen from Ohio, Mr. NEY, Mr. CHABOT and Mr. Cremeans, who is sadly now passed away. There was a headline that said we were the four French guys from Ohio. If you are from a French lineage, you remember the Maginot Line where the French very seriously hardened the Maginot Line and said, Nazi Germany, you can't get us because we're hiding behind the Maginot Line. Do you know what the Nazis did? They marched around the Maginot Line.

The gentleman from Kentucky's bill recognizes that New York, California, Washington, D.C. all have to be hardened because they are the subject of chatter that the terrorists want to strike to cause the biggest splash on our friends and allies in the media, CNN and everywhere else; but the gentleman from Kentucky also recognizes that the people that live in Mr. LATHAM's Iowa, in Pennsylvania, in other parts of the country need to be protected as well. Everybody that testified before our committee says we have to recognize everybody needs to be minimally prepared so that if we have a terrorist attack, we are ready to go. The gentleman from Kentucky has accomplished that vision and I congratulate him.

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

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

Mr. LATHAM. I thank the gentleman for yielding.

First of all, I would like to say that the gentleman from New York said that dollars going to protect my citizens in my State, their safety, their well-being, is pork. I take great offense to that. It is not pork to have people who are safe in their homes. I do not care where they live in this country.

I will also say that when we talk about this formula, talk about threat, the fact of the matter is there are some very, very large threats or potential threats in rural areas, whether you talk about nuclear energy plants, whatever. But just because they do not have people living immediately around them, they are not going to be eligible for any of the funds at all.

I would also like to address one quick point talking about intelligence. The fact of the matter is there were hundreds of U.S. agriculture documents that were found in al Qaeda caves and also a large part of the al Qaeda training manual is devoted to agri-terrorism. If you do not like to eat in New York, apparently, let us just forget about the rest of the country.

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

I notice that two members of the full committee are waiting, or at least one other member besides me, waiting to speak. We happen to have been brought up a few miles from each other in the State of Pennsylvania so I am not sure whether that just means we are both staying until the end.

This debate has been a wonderful debate. It has also brought back nightmares of the debates that I think many of us have taken part in that sound like school aid distribution formula fights that we have fought through in our State legislatures all the time. But in all those instances, the one thing that has been available would be a distribution of how much money was going to go to each of the districts or each of the States versus what was being proposed, a distribution that would show what was going to be going to each of the States under those circumstances. In this case that is very difficult.

What the chairman has done has been to move $450 million roughly out of the basic formula grant and put it into the urban area initiative or into the combination of other formulas. There is a basic formula grant and then there is a series of others which include transit grants, emergency management performance grants, and urban area initiatives. I am not sure whether either any one of those properly takes into account where we may have an enormous dam and a reservoir or whether it takes into account where we have very high-risk possible chemical plants or nuclear power plants. I am just not sure about that. I do not know particularly enough about this.

But I know the chairman, and now I understand why he said in full committee that we do not know what the distribution is going to be next year. All we could see was what it had been in the fiscal year 2004 and what it would be like if you moved the $450 million out of that formula and distributed it proportionately as it was in 2004 into those other categories and then give it back to the same States in that proportionate distribution, into those other States.

During the course of this debate, I have sat with that formula, with that chart that we had in full committee and done a few calculations. What shows up is that the States which have one congressional district, we all know exactly who they are, there are seven of them, they are ending up in the new formula even as it has been changed by the chairman in the work that the chairman and his staff have done, very careful and hard work, that what shows up is that those States end up with about $20 million per congressional district, a little bit under $20 million. About 18, actually, on average. The highest is $17.9 million and the lowest is $16.3 million.

Then there is also a disproportionate amount of money that goes to States which have only two congressional districts. My colleagues know exactly who those are, too. There are five of those. They are getting between $9 million and $10 million per congressional district there. That is what that formula looks like. If you total up all 12 States, coming to 17 congressional districts, the formula as it would be so calculated comes out to be about $220 million that is going into those States.

The same formula shows that Ohio, one State that has 18 congressional districts, is going to get less than half as much money. One State is going to get less than half as much money. My colleagues can compare what Ohio looks like versus what those other 12 States look like that are getting more than twice as much money in total than the State of Ohio. Oddly enough, that calculation also shows that the States, and this, I think, may surprise, that the States that get the least per capita, the least per population, are Michigan and North Carolina of all things.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. The problem is that we do not know exactly how much will be distributed, and we cannot know because all of these categories are not purely by a distribution, and there is still an inequity because no State should be getting that much more than some other States, and the inequities that show up here are bad; but I do not think that we can be at all certain that moving another $450 million is not going to tip the scales beyond what most of us would then think was going to be fair.

This is a case where what the chairman and the ranking member have been doing is moving in a right direction, it needs to be moved more; but I have not yet seen the formula that would show that what is going to come out of the result of this amendment being proposed would actually be better and whether we may have tipped beyond where it needs to go to be reasonably fair to everyone. So I think we ought to allow the chairman and the ranking member to continue to improve these formulas.

Mr. SHERWOOD. Mr. Chairman, I move to strike the requisite number of words. I rise against the amendment. My district is 150 miles from New York City. I grew up at 16 years old driving trucks across the George Washington Bridge. I understand what the infrastructure is to the East, and I understand also a little bit about the threat. But this formula has been pretty carefully worked out on population and threat. If you are going to take $450 million away from the rest of the country and give it to metropolitan New York, how are you going to do that? You would have to take $35 million away from California. You would have to take $4 million away from the District of Columbia. I think that this is probably one of the high-threat areas. You would have to take $15 million away from Illinois. I think Chicago is probably a pretty high-threat area. You would have to take $14.75 away from my home State of Pennsylvania. On and on and on and on.

□ 2340

This thing has been worked out. I admire the pluck of my friends from New York to try to get the money for what they think they need it but the whole country needs the money. The sheet that shows us where the $450 million will come from will be on the table.

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

I think the debate has given the impression to my colleagues that this is an isolated regional question. But I think the reason why the Sweeney amendment has legs and maybe might run across the finish line is because it does comport with good sense and reasonableness, and, frankly, I think the amendment really addresses what most Members would understand as the very defining question of terrorism. Terrorism is threat, is where we are most threatened but it is also where it may ultimately impact the individuals who may be subjected to terrorism.

So, Mr. Chairman, I think it is important to note that as I understand the formula in the amendment, it would allow those cities that can be determined to have the greater threat or areas to be able to apply for those dollars and to receive them based upon that threat analysis.

Might I simply share with my colleagues that the President's budget request requested nearly ½ of $1 billion more for the high threat urban areas than the bill currently funds. In addition, I think it is worthy of noting that the authorizing committee for the Department of Homeland Security, a committee of which I am a member, who happens to have authored in a bipartisan manner H.R. 3266, the Faster and Smarter Funding for First Responders Act of 2003, followed the threat analysis because we found in hearings that that was the most sophisticated but the most balanced way of addressing security in the Nation.

In an article in the Houston Chronicle on April 9, 2003, Houston finds itself as number seven on the vulnerability list. There may be other cities. We happen to be the home of many refineries. Other cities may have other unique and special needs. Seattle was a city on the list because it had been subjected to a terrorist attack around the turn of the century. If we reflect on where we have heard threats in the last 2 years since 2001, we would note that there were incidences in Los Angeles, there is constant chatter and incidences here in Washington, DC, and certainly as noted by my colleagues from New York, there are incidences there. There may be others. But obviously a terrorist desires to not only destroy but to intimidate, and symbols give them a greater leverage of intimidation. The symbols in New York, the oil industry in Houston, the symbols in Los Angeles and other cities similarly situated.

Last November Secretary Ridge said he is willing to base as much as half of the grant money DHS distributes to State and local governments on a formula that includes threat analysis. In testimony before the House Committee on Appropriations, a statement was made: "We at the Department believe that more of the overall funds available to State and local governments need to be distributed using the risks or consequence based formula of population density, presence, and vulnerability of critical infrastructure of national significance and credible threats." That leads us to believe that larger cities are the most vulnerable as it relates to terrorism.

So I would simply suggest that this is not a question of reasonableness and isolationism and pointing to one area over another. This is a comprehensive understanding that we are one America and that when we secure large cities, it is securing rural and villages and smaller cities and other places that may not be the recipient of as large a share of these funds.

Documentation suggests that threat analysis is important, and one of the major issues when we begin to discuss the issues of Department of Homeland Security is whether or not we have done an entire assessment of the needs of this country. I do not believe we have yet completed that task to assess the threat all over the country, but what the intelligence shows us is that these major cities with major symbols

are extremely vulnerable. I would hope that my colleagues would look warmly on this amendment and responsibly because frankly I believe that if we ignore intelligence that we are seeking to improve, then we ignore the purpose of homeland security, to secure the homeland where the threat is. The threat is in large cities. Houston happens to be one. This is not a regional question. This is an American question.

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

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield to the distinguished chairman of the subcommittee.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to point out to the gentlewoman from Texas that under this amendment the State of Texas would lose $23.5 million.

Mr. WELDON of Pennsylvania. Mr. Chairman, this debate has been dominated by one side, and I think we need to have everyone have a chance to air their feelings here.

We are arguing over $450 million and who is going to get the bulk of that money. Four hundred and fifty million dollars is not going to protect New York City from another attack. If Members want to put the money into where it is going to do the best good, then put it into our intelligence system because that is where they are going to understand where the next threat is coming from. When we understand where the threat comes from, then we can deal with it. If we want to put the money into a capability, we need that kind of a capability to respond to the kind of threat that we saw on September 11.

Perhaps if we had done back in the 1990s more in this body and not cut the legs off our intelligence community when we stopped the CIA from using those sources that, in fact, were considered to be tied in with corruption, we would have been better able to understand where the emerging threats were coming from.

Mr. Chairman, I think it is unfortunate that we say that this money going to cities will protect them. I was in the Trade Center the day after the disaster occurred and I was down at ground zero. Did I see all of New York's people there? Yes. But I saw urban search and rescue teams from Delaware, from New Jersey, from Pennsylvania. I saw them there from Michigan. I saw them there from Georgia. Twenty-two urban search and rescue teams came from all over America to assist New York because New York could not handle it.

The fact is, Mr. Chairman, as a Nation if we are going to deal with threats, we must deal with them from a national perspective, not based on one city or one particular urban area.

Mr. Chairman, on January 28, 1975, I was the assistant fire chief in a town of 5,000 people. On that night we had the largest incident in America. Two ships collided, killed 29 people, and burned out of control for 3 days, $100 million of property damage. According to this standard, that will never happen in a small area. It will only happen in a big city. For us to try to argue over how we can split up $450 million, and my district borders Philadelphia, by only giving it to the inner-city urban areas I think is wrong.

I think the chairman has done a good job with the ranking member, and I support the chairman's mark and oppose the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, this debate could go on a long time. I ask unanimous consent that all debate end after 10 minutes, that the time be controlled by the gentleman from Minnesota (Mr. SABO) and this gentleman.

Mr. SABO. Mr. Chairman, those are decisions that are at a higher pay level than mine, and I have to object.

The CHAIRMAN. Objection is heard.

□ 2350

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

Mr. Chairman, I will be brief. I want to say I think we have all seen the pitfalls tonight of these formula-based funding formulas that divide this House along regional, urban, and rural lines.

I want to mention something that the gentleman from Kentucky (Chairman ROGERS) mentioned early in this debate, and that is that there is a better way to do this, and it is contained in legislation that the gentleman from California (Chairman COX) and I have cosponsored that came out of the Select Committee on Homeland Security unanimously, that went through the Committee on Energy and Commerce, the Committee on Transportation and the Committee on the Judiciary. It also is reaffirmed by the language the gentleman from Kentucky (Chairman ROGERS) placed in this bill. And that is to say that we ought to have one grant fund that is distributed to establish and to fund what we call the essential capabilities that every State, every community, and every region needs to prepare and defend against a terrorist attack.

That process of establishing essential capabilities would end the debate we are having tonight. The essential capabilities would be determined based on the threat and vulnerability information that this Congress already has required in the Homeland Security Act that the Homeland Security Department prepared.

If we did that, we would have a road map. Tonight we are flying by the seat of our pants. We do not know what the real needs are to defend this country.

The establishment of essential capabilities would give us that road map, we would know how much progress we would make, we would know what the measures, the metrics, the standards are we are trying to achieve, and it would end the kind of debate we are having to have tonight.

Mr. Chairman, I urge Members when that bill hopefully comes to the floor that we adopt it, that we agree unanimously that the right way to defend America is to be sure that we develop essential capabilities for every community in America based on the real threats and vulnerabilities that this Nation faces.

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

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

Mr. BARTON of Texas. Mr. Chairman, I have before me dueling charts about this amendment. If you believe this chart that the gentleman from New York (Mr. SWEENEY) has put out, my State is disadvantaged by the bill before us. If you believe this chart that the distinguished subcommittee chairman of the appropriations subcommittee has put out, my State is disadvantaged by the amendment of the gentleman from New York (Mr. SWEENEY).

Now, both of the gentleman's charts are honorable. So this is a question literally that is a 50/50 question, and they are both right.

The debate that we have had tonight is one of those debates that reminds me of the Founding Fathers' debate when we were putting our Constitution together, because you had the rural States that thought everything should be done on a State basis, the little States; and then you had the urban States that thought everything should be done on a population basis. The result was the Great Compromise, where the House of Representatives is based on population and the Senate is based on each State gets two votes.

Now, earlier tonight one of the members of my committee, the gentleman from New York (Mr. FOSSELLA), rose and made a point of order on part of this bill that had a funding formula that was legislating on an appropriations bill for about $3.4 billion, and that point of order was sustained.

As the gentleman from Texas (Mr. TURNER) has pointed out and the gentleman from California (Mr. COX) has pointed out, the chairman and the ranking member of the Select Committee on Homeland Security, their committee and the committee that I chair, the Committee on Energy and Commerce, have reported a first responder bill that is waiting to come to the floor.

So the vote on this is really a coin flip. But in this case, I think we should go with the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), and oppose the Sweeney amendment, knowing that between now and conference with the other

body, we are going to have to come up with a formula similar to the one that our Founding Fathers did with the Great Compromise between the big States and the little States, where we have a pool of money that is based on one man-one vote, and then we have another pool that is based on need with some sort of a grant application process. I am going to work on that from the authorization level, and I know many others are willing to.

So I think this is really one of those debates where both sides are going to win, because the ultimate result is going to be a formula that is different than the current formula. But for this vote tonight, I urge a ''no'' vote on the amendment offered by my good friend, the gentleman from New York (Mr. SWEENEY).

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

Mr. Chairman, while I objected to a time limit a short time ago, let me suggest that if only those Members that had something unique and new to say chose to speak, we might be able to vote fairly soon.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the gentleman from Kentucky (Chairman ROGERS) has struck a pretty darn good balance in this bill.

I oppose the amendment. I am originally from New York, and one of the things that I learned is when New York City gets involved, the rest of the State at that time suffers. According to the chart by the gentleman from Kentucky (Mr. ROGERS), Florida would lose $18.7 million. We cannot afford to lose that because of all the ports that we have, because of the water supply, certainly because of our agricultural interests.

Let me share with you that I represent a district that also has a nuclear power plant. If you do not think that those former New Yorkers who live near that power plant or who want their water supply protected do not deserve the same protection as New Yorkers, I am sorry, that is not what those of us who come from rural areas got elected to represent.

I think that the gentleman from Kentucky (Mr. ROGERS) has struck a great balance here. Obviously, this is something that will be conferenced, and I would urge a ''no'' vote against my good friend and current New Yorker from a former New Yorker, the gentleman from New York (Mr. SWEENEY).

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

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

Mr. ROTHMAN. Mr. Chairman, I am from the Garden State of New Jersey, from which most of the people who came to rescue the people in the burning towers came, from the place where the victims of 9/11 were transported to Liberty Island, to be triaged and cared for, where we have four nuclear power plants, chemical plants, two tunnels to New York City, several bridges to New York City, et cetera.

I would like to commend the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), for making extraordinary progress from where we were before this bill was written; and I acknowledge his good faith and sincere effort in moving in the right direction. And I know that it is very difficult to balance the equities and the interests of all concerned.

However, it is 3 years, Mr. Chairman, since 9/11, 3 years, when every State in the Union has gotten some money for their homeland security. The question is, whether now, 3 years later, we have waited long enough for the largest portion of moneys that go out on this homeland security bill, whether they are given to those areas that are most at risk and that are most targeted by the terrorists.

How many years do we have to wait before we get to 100 percent? We are at 90 percent with this bill, 92 percent. Do you think the terrorists are going to wait several years before they arrive at the likely places where they have said they are going to hit and which are underfunded by the present bill?

Finally, let me comment on my distinguished subcommittee chairman's chart, which we had the good fortune of discussing at the Committee on Appropriations markup. I believe that nothing has changed in the finding, and please correct me. The distinguished subcommittee chairman's chart that shows the amount of money per State that a State would lose if this amendment were approved does not tell, with respect, the full story.

□ 0000

It says we are where everyone would begin when the risk assessments would then take place. So, for example, under the distinguished subcommittee chairman's list, the particular dollar figure for your State does not tell you what your State will get after the risk assessment occurs.

Now, if you have a State that has a lot of targets, you have nothing to worry about, because the same folks in this administration who have made the judgments about the nature and the level of the risk will be deciding, with the same criteria, on these extra funds.

I guess if you do not have any significant risks compared to the other States and regions, then you will suffer a loss. But with respect to the gentleman from Kentucky (Chairman ROGERS)'s list, it does not tell you what you are going to end up with after the risk assessment.

Again, I want to congratulate the subcommittee chairman and all of those who worked so hard to move this bill as far as it has come, but it needs to go further. We have waited long enough, and the terrorists are not going to wait 2 or 3 years before we get to 100 percent.

Mr. YOUNG of Alaska. Mr. Chairman, I rise today to oppose the amendments offered by my colleagues from New York.

The amendments that they have offered would significantly increase the likelihood a terrorist incident occurring outside of a major metropolitan area will have disastrous effects.

This funding is not solely intended for security to prevent a terror attack, but also for preparedness, in case an event happens.

Terrorism can happen anywhere. That is why we must be prepared everywhere.

Allocating these funds solely on the risk of terror is just robbing Peter to pay Paul. Large cities and metropolitan areas will be safe and prepared, but nobody else will.

We have heard a parade of members that would benefit from a risk of terrorism only allocation. If this allocation basis is adopted, and a terrorist attacks your community, what will you tell them, I'm sorry we weren't prepared, but it's okay, because a few big cities are?

Providing for a State minimum allocation is the only way to ensure that every community is prepared.

I urge all of my colleagues to think very carefully before supporting these amendments, and to think about what such an allocation would mean if they do not represent a large metropolitan area or have significant critical infrastructure. Most members of this body do not, and therefore most members' districts will not be prepared under this scheme.

The Transportation Committee has put forward a proposal that does not require this false choice, between providing for national preparedness and providing preparedness for a select few.

When this proposal is considered during the normal legislative process, I urge my colleagues to support this alternative, which prepares everyone for terror attacks.

Oppose these amendments that leave most communities unprepared for terror attacks.

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 17 offered by Mr. DEFAZIO of Oregon, and Amendment No. 3 offered by Mr. SWEENEY of New York.

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 17 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 17 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 228, not voting 25, as follows:

[Roll No. 265]

AYES—180

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

NOES—228

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

NOT VOTING—25

Ballenger
Bereuter
Berman
Clay
DeMint
Dicks
Dooley (CA)
Gephardt
Gordon
Goss
Harman
Hastings (FL)
Isakson
Johnson, Sam
Lipinski
Murtha
Neal (MA)
Nethercutt
Pickering
Slaughter
Smith (WA)
Stark
Tauzin
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 0025

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SWEENEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SWEENEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 237, not voting 25, as follows:

[Roll No. 266]

AYES—171

Ackerman
Akin
Andrews
Baca
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Brady (PA)
Brady (TX)
Brown, Corrine
Burgess
Calvert
Cantor
Capuano
Cardin
Carter
Chabot
Conyers
Cooper
Costello
Cox
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Delahunt
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Emanuel
Engel
Eshoo
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harris
Hinchey
Hoeffel
Holt
Honda
Houghton
Hoyer
Hyde
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (NY)
Kirk
Kline
Kolbe
Lampson
Lantos
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Reynolds
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Smith (NJ)
Smith (TX)
Solis
Sullivan
Sweeney
Tancredo
Tauscher
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Walsh
Watson
Weiner
Wexler
Wolf
Woolsey
Wynn

NOES—237

Abercrombie
Aderholt
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cramer
Crane
Cubin
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
Doggett
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Evans
Everett
Forbes
Franks (AZ)
Frost
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green (WI)
Gutknecht

Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Inslee
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kildee
Kind
King (IA)
Kingston
Kleczka
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McDermott
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Schrock
Sensenbrenner
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOT VOTING—25

Ballenger
Bereuter
Berman
Clay
DeMint
Dicks
Dooley (CA)
Gephardt
Gordon
Goss
Harman
Hastings (FL)
Isakson
Johnson, Sam
Lipinski
Murtha
Neal (MA)
Nethercutt
Pickering
Slaughter
Smith (WA)
Stark
Tauzin
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 0033

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Chairman, personal reasons prevent me from being present for legislative business scheduled for today, Thursday, June 17, 2004. Had I been present, I would have voted "no" on ordering the previous question (rollcall No. 256); "no" on H. Res. 681, a rule providing for consideration of H.R. 4520 (rollcall No. 257); "aye" on the motion offered by Mr. RANGEL to recommit the bill H.R. 4520 (rollcall No. 258); "no" on final passage of H.R. 4520 (rollcall No. 259); "aye" on approving the Journal (rollcall No. 260); "aye" on the amendment to H.R. 4568 offered by Mr. HINCHEY (rollcall No. 261); "aye" on the amendment to H.R. 4568 offered by Mr. SANDERS (rollcall No. 262); "aye" on the amendment to H.R. 4568 offered by Mr. HOLT (rollcall No. 263); and "aye" on final passage of H.R. 4568 (rollcall No. 264).

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARRETT of New Jersey) 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. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

AMERICAN ENERGY NEEDS

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

Mr. MURPHY. Mr. Speaker, this summer Americans are facing record-high prices for gasoline. There are some who think we can lower prices by diverting oil from our Strategic Petroleum Reserve. This is shortsighted and wrong. Not only would releasing oil have a short-term, negligible impact on prices, it would wipe out our reserves, leaving us vulnerable to terrorist attacks targeting pipelines and oil transportation.

In 1973, America was 30 percent dependent on foreign oil. Today that number has doubled to an all-time high of nearly 60 percent.

We must develop a three-point plan to stop this dependence and lower fuel prices. We can start with conservation. Fuel-efficient vehicles, decreasing energy use in Federal buildings by 20 percent, and improved incentives for conservation products will help reduce energy demands.

We must diversify our energy sources. Our own coal reserves can provide hundreds of years of energy and clean-coal power plants can alleviate environmental concerns with older plants, and we can make better use of nuclear energy, which currently provides only 20 percent of the Nation's electricity.

We must explore more domestic sources. The resources are here, along with environmentally sound ways to tap into them. There are 16 million acres in ANWR and proposals to drill there would include only an area equivalent to the size of a hand on a football field.

Mr. Speaker, I ask that we move forward on these issues to help with our energy needs in the future.

High fuel prices and a dangerous dependence on foreign oil are a problem for all Americans. It adds costs to fuel and goods. We cannot afford to let this become a partisan issue, nor should we engage in shortsighted solutions that in the end are not solutions at all.

We need to solve the energy problems for the American people. That future must be our priority.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8570. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities. (RIN: 0720-AA76) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8571. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabiliation Facilites. (RIN: 0720-AA76) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8572. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Procurement Authority for Environmental Services for Military Installations [DFARS Case 2003-D004] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8573. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Changes [DFARS Case 2003-D099] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8574. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Timothy A. Kinnan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8575. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers of the United States Air Force to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8576. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization for Major General Roger A. Brady and Brigadier General Michael A. Collings of the United States Air Force to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8577. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Merchant Marine Training [Docket Number: MARAD-2004-17760] (RIN: 2133-AB60) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8578. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities Act Regulations; Protection of Customer Securities and Balances (RIN: 1505-AA94) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.