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House of Representatives

The House met at 9 a.m.

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

Lord God, Father of us all, You feed Your people from the fruit of this land. You protect Your children from war and from disaster both by government and by military. You are ever faithful and always ready to forgive.

Bless all fathers of this assembly and across this Nation. May they prove their strength in their gentleness and understanding of their children. May they teach by example and be God-fearing men who are strong in virtue, and faithful in marriage and in prayer.

Reward them for the sacrifice of their labor and the time offered to the enjoyment of their families.

May they, their children and their children's children come to know Your everlasting love for them both now and for all eternity. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LATOURETTE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

DELTA AIRLINES CELEBRATES 75TH ANNIVERSARY OF FIRST PASSENGER FLIGHT

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

Mr. SCOTT of Georgia. Mr. Speaker, I rise this morning on behalf of the entire United States Congress to commend and give special recognition to Delta Airlines on the celebration of its 75th anniversary. Exactly 75 years ago on June 17, 1929 at 8 a.m., Delta's very first passenger flight took off from Dallas Airport in Dallas, Texas, heading for Jackson, Mississippi with intermediate stops in Shreveport and Monroe, Louisiana.

That initial passenger service trip took 5 hours to cover those 471 miles. And today, 75 years later, Delta now has 2,000 flights all across this country and carries a daily load of passengers of 300,000. What a remarkable story of American free enterprise. Delta Airlines, with 75 years of distinguished service, has grown the reputation of being the world's leading airline, but they did not get that way easily. They had to go through many challenges.

Mr. Speaker, to all of the 100,000 individuals that work at Delta, we in the Congress of the United States want to say congratulations on your 75th anniversary.

UNDECLARED DRAFT

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

Mr. MCDERMOTT. Mr. Speaker, in all of the confusion of transition in Iraq, it is easy to forget that people are still dying there. Our troops are dying on a daily basis, and this President has instituted an undeclared draft, but he will not tell Members unless he is reelected.

Do Members think they need proof, last month 20,000 U.S. soldiers were told, not asked, they were not going home after a year in Iraq. Mr. Rumsfeld liked something called the stop-loss policy because the military can conscript soldiers to just keep fighting. More soldiers are staying behind because there are not enough in Iraq to begin with.

From the beginning, professionals in the Armed Forces told this President and the civilians that 300,000 soldiers would be needed in Iraq. The President and his civilians denied it, and they fired anyone who dared to disagree. So now the administration calls the draft a stop-loss order, and they are using it because they need more soldiers.

Mr. Speaker, make no mistake, a draft arrives in 2005 if this President remains in office. They just deny, deny, deny, just another day in the Bush administration.

BUSH ADMINISTRATION CONSISTENTLY WRONG

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

Mr. EMANUEL. Mr. Speaker, just yesterday President Bush in the cabinet room said, ''This administration never said that the 9/11 attacks were orchestrated between Saddam Hussein and al Qaeda.'' Really?

Let me read what National Security Adviser Condoleezza Rice said in September, 2002, ''We clearly know that there were in the past and have been contacts between senior Iraqi officials and members of al Qaeda going back for actually quite a long time.''

Mr. Speaker, 1 year later the National Security Adviser in September 2003 said, ''We have never claimed that Saddam Hussein had either direction or control on 9/11.''

On Monday night, Vice President CHENEY, who has long maintained and

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repeatedly has asserted that a collaborative relationship existed between Iraq and al Qaeda said he, Saddam Hussein, ''was a patron of terrorism'' and that he had ''long-established ties with al Qaeda.'' This is the fourth or fifth time he has asserted this relationship, or members of the administration have. There is at least one thing we know about the Vice President: He is consistent, he is wrong, and he has been consistently wrong on this subject.

CELEBRATING JUNETEENTH

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

Mr. DELAY. Mr. Speaker, 139 years ago tomorrow, the sin of human bondage was ended in the United States. It has been said that the Civil War was the last battle of the American Revolution, and so it was. More than 600,000 Americans died in that conflict to save the Union, preserve the democratic ideals of the Founding, and make those ideals a reality for 4 million slaves.

If it is that the Civil War was indeed the last battle of the Revolution, then so it is that Gordon Granger fired its last shot. On his arrival in Galveston, Texas, on June 19, 1865, Granger, a major general in the United States Army, issued General Order No. 3 to the people of Texas informing them of the end of the war and the emancipation of the slaves. ''This involves an absolute equality of rights and rights of property between former slaves and masters, and the connection heretofore existing between them becomes that between employer and free laborer,'' he said, and in an instant the world changed.

The United States, the first Nation in history ''conceived in liberty and founded on the proposition that all men are created equal,'' was, for the first time, seeing to it that liberty and equality were extended to all its citizens.

Juneteeth, then, reminds us of the first principles of our Nation and of our Nation's special commission in the affairs of men. While Texas may be the only State in the Union that celebrates the anniversary of Juneteenth, the entire country, and indeed all of the civilized world, celebrates its legacy.

Man is born to be free. That is not an idea, it is the truth, absolute and without exception. But like all truths, freedom is almost never easy. It took wars to extricate ourselves from Britain, to free the slaves, to rid the world of fascism, and 40 years on the brink of nuclear holocaust to defeat Soviet communism.

So it takes war now to free the civilized world from the threat of international terror. The price of freedom is internal vigilance, and even a cursory survey of American history shows that price is a bargain.

DEEPLY PARTISAN BIAS ON SUPREME COURT

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

Mr. FRANK of Massachusetts. Mr. Speaker, I am moved this week after the death of President Reagan to quote him, ''There they go again.''

The ''they'' in question are the three extremely conservative members of the U.S. Supreme Court who are, of course, entitled to their extreme conservatism, Justices Scalia, Thomas and Rehnquist; but, they are really not entitled to partisanship. Despite that, they have shown it.

The Colorado Supreme Court, acting in accordance with wrong, uncontroversial constitutional doctrine, interpreted the Colorado Constitution to mean that the Colorado legislature could not reopen redistricting for partisan advantage 2 years after they had originally had redistricting in the State. It is a very strongly held doctrine in America that a State Supreme Court is the final arbiter of its own State Constitution.

The Colorado Republicans, looking for the kind of partisan advantage that the Texas counties were able to get, appealed that decision to the U.S. Supreme Court. No one thought it was much of a serious appeal. Fortunately, six members of the Court held true to constitutional doctrine and voted not to take the case so it was not taken. But three members of that Court, defying long-standing constitutional tradition, voted to take the case. It was a case brought by Colorado Republicans to try to gain partisan political advantage; and surprise, surprise, they got the votes of Scalia, Rehnquist and Thomas.

Mr. Speaker, the worst of it is I am not sure they were being consciously partisan. I think the bias, the deeply partisan bias that has crept into those three is so strong that they, in fact, can do this without realizing it.

Once again we have seen from those three justices a hypocritical preference for partisan advantage over the kind of constitutional purity that they claim to follow but rarely do.

Mr. Speaker, I will include for the RECORD in the Extensions of Remarks an editorial from the New York Times on this subject.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 4567, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). 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. 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 further consideration of the bill, H.R. 4567.

□ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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. When the Committee of the Whole House rose on the legislative day of Thursday, June 17, 2004, amendment No. 3 by the gentleman from New York (Mr. SWEENEY) had been disposed of and the bill was open for amendment from page 22, line 22, through page 25, line 20.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 22, line 25, after the dollar amount in each place, insert ''(increased by $20,000,000)''.

Page 29, line 1, after the dollar amount, insert ''(reduced by $20,000,000)''.

□ 0915

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am proposing an opportunity for really securing the homeland and, that is, my amendment proposes to re-fund the Citizen Corps where H.R. 4568 purported to create a shortfall in the amount of almost $19 million. The President of the United States proposed that that amount would be at least $40 million. In order to account for this proposed shortfall, I have increased this appropriation by $20 million.

The Citizen Corps program was launched by President George W. Bush during the 2002 State of the Union address as part of the USA Freedom Corps Initiative to engage Americans in volunteer service. In only 2 years, nearly 1,000 communities around the country encompassing 40 percent of the U.S. population established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and to make our communities safe. Fifty-two States and territories also formed state-level Citizen Corps Councils to support local efforts.

I would say, Mr. Chairman, that that is not enough. Supporting the Citizen

Corps concept, a recent opinion poll shows that Americans are interested in volunteering to help their local community emergency service providers such as law enforcement, fire, emergency medical services, or with organizations that focus on community safety such as the American Red Cross or Neighborhood Watch. Forty percent of those polled answered that they would be willing to volunteer. In addition, nearly two-thirds of respondents believed it is important for neighborhoods to have a way to work together on emergency preparedness.

Mr. Chairman, in our authorizing committee, the Select Committee on Homeland Security, we have discussed, and I have discussed, and amended several of our legislative initiatives to include reinforcing and expanding our Citizen Corps. If we really want to secure the homeland and if we really believe that the homeland is outside our parameters, going into rural areas, going into villages, going into small communities as well as urban centers, then Citizen Corps is the way to do it. It establishes a base in which to encourage and educate and prepare our citizens for any terrorist act that may occur.

I have heard many individuals say that the way to secure the homeland is to keep the terrorists out, and they are absolutely correct. But no proposition has 100 percent protection and no proposition is 100 percent correct. I certainly agree in securing the homeland by keeping the terrorists out before they even arrive on our shores; but clearly in order to have a truly secure homeland, we must secure our neighbors and neighborhoods. Our families need to be aware of the threats that exist from abroad. Homeland security is a very important issue that we may not think about in our daily lives.

I am reminded of Houston, maybe not unlike many cities in the United States on 9/11, not knowing what might occur, poised for the worst. In the instance of Houston, Texas, for example, there were rumors that planes were headed to the city of Houston because of its refineries. As I called down to the mayor of the city of Houston on that day to find out if the city, in essence, was okay, knowing that my family was there and others of my neighbors and constituents, as other Congress Members were concerned about their neighborhoods and cities and towns, I was told that there was, in essence, confusion as there was in every city, what to do with school children, whether parents should come and get them or not, whether people should stay in place, whether downtown Houston should close down, what should be done in our refinery areas and oil-producing areas.

We need to respect the local needs and what our families need, but we also need to educate our community. I along with fellow Democratic members of the committee worked to introduce a bill entitled Preparing America to Respond Effectively Act of 2003, or the PREPARE Act. This bill was a comprehensive attempt to prepare our local first responders for potential acts of terrorism.

Among the provisions are those that are proposed to improve funding mechanisms, bolster information sharing, enhance threat warnings, communications and equipment interoperability, and to integrate private companies and the public into distinct response plans. The main provisions of the PREPARE Act were incorporated into a larger bill from the entire committee, H.R. 3266, the Faster and Smarter Funding for First Responders Act of 2003, which was reported favorably out of the House select committee and was just reported favorably out of the Committee on the Judiciary today.

Also incorporated in the bill under section 8 is an amendment that I offered that deals with the mobilization and utilization of a Citizen Corps that will allow families to get information and terror threat directives in a timely fashion without having to go through layers of administration. The Houston branch of the Citizen Corps Council is headquartered in Harris County, which is in southeastern Texas. The key element, of course, however, is to ensure that all local communities are safe. My example is due to its close proximity to the Gulf of Mexico; this legislation is needed.

Let me just conclude, Mr. Chairman, by saying that I would hope that we would support securing our citizens by providing these resources for them in this appropriation. I ask my colleagues to support this amendment.

Mr. Chairman, I rise to discuss the base bill, H.R. 4567, and to offer an amendment. I understand that the Department of Homeland Security (DHS), ''in an effort to streamline funding and to enhance the coordination and administration'' of 3 programs that include the Citizen Corps Program, has conglomerated the State Homeland Security Program (SHSP), the Law Enforcement Terrorism Prevention Program (LETPP), and the Citizen Corps Program into one application.

However, I also understand from the committee reports of this Subcommittee (page 70 of report 108–51) that H.R. 4567 proposes to decrease the Citizen Corps Program by $19,764,000. Therefore, it seems that the ''conglomeration'' effort by DHS has facilitated the weakening of a lifeline for our local community forces.

The Jackson-Lee Amendment (JACKSO.224) proposes to re-fund the Citizen Corps where H.R. 4567 purported to create a shortfall from the amounts provided in FY 2004 and $30,000,000 below the President's request.

In order to account for this proposed shortfall, the Jackson-Lee amendment increases the State and Local Programs account found in Title III, Preparedness and Recovery (page 22, line 25) by $20,000,000 and decreases the National Pre-Disaster Mitigation Fund, also found in Title III (page 22, line 25) by the same amount.

The Citizen Corps program was launched by President George W. Bush himself, during the 2002 State of the Union address as part of the USA Freedom Corps initiative to engage Americans in volunteer service.

In only 2 years, nearly 1,000 communities around the country, encompassing 40 percent of the U.S. population established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and make our communities safer. Fifty-two states and territories also formed State level Citizen Corps Councils to support local efforts.

Supporting the Citizen Corps concept, a recent opinion poll shows that Americans are interested in volunteering to help their local community emergency service providers, such as law enforcement, fire, or emergency medical services, or with organizations that focus on community safety, such as the American Red Cross or Neighborhood Watch. Forty percent of those polled answered that they would be willing to volunteer. In addition, nearly two thirds of respondents (63 percent) believe it is important for neighborhoods to have a way to work together on emergency preparedness.

Our families need to be aware of the threats that exist from abroad. Homeland Security is a very important issue that we may not think about in our daily lives.

With respect to our local needs and what our families need to think about in the very immediate future, I have worked in the House Select Committee on Homeland Security to craft legislation that aims at strengthening the first responders. I, along with my fellow Democrat Members of the Committee, worked to introduce a bill entitled the ''Preparing America To Respond Effectively Act of 2003,'' or the ''PREPARE Act.'' This bill was a comprehensive attempt to prepare our local first responders for potential acts of terrorism. Among the provisions are those that propose to improve funding mechanisms, bolster information sharing, enhance threat warnings, communications, and equipment interoperability, and to integrate private companies and the public into distinct response plans.

The main provisions of the PREPARE Act were incorporated into a larger bill from the entire Committee, H.R. 3266, the ''Faster and Smarter Funding for First Responders Act of 2003,'' which reported favorably out of the House Select Committee and just reported favorably out of the Judiciary Committee today. Also incorporated in the bill under section 8 (page 51, as reported by the Select Committee on Homeland Security) is an amendment that I offered that deals with the mobilization and utilization of a ''Citizens Corps'' that will allow families to get information and terror threat directives in a timely fashion and without having to go through layers of administration.

The Houston branch of the Citizen Corps Council is headquartered in my Congressional District, Harris County, which is in southeastern Texas, comprises 1,779 square miles, and encompasses the city of Houston, 32 additional smaller cities, and is the home for nearly 4,000,000 residents. Harris County is the third most populous county in the United States and one of the most culturally diverse.

Due to its close proximity to the Gulf of Mexico and its topography, Harris County is prone to flooding and ongoing hurricane and tropical storm threats. In June 2001, Harris County was pummeled by tropical storm

Allison's tidal surge and the 20 inches of rain she dropped on Harris and neighboring counties. The storm took 22 lives and caused an estimated $5 billion in damage.

Harris County is also home to numerous potential terrorist targets:

The Port of Houston, which ranks first in the United States in foreign waterborne commerce, is the leading domestic and international center for almost every segment of the oil and gas industry and houses almost half of the Nation's petrochemicals manufacturing capacity;

The Texas Medical Center, with 42 member institutions, provides leading medical care to people from all over the world and is the world's largest medical complex serving more than 70,000 daily;

The Johnson Space Center, home of NASA's manned space program;

The fourth largest airport system in the country, with more than 43,000,000 passengers traveling through its three area airports to domestic and international destinations;

Three national sport arenas hosting thousands of fans for popular events; and

A nuclear power plant located approximately 70 miles from the county.

Due to the early attention to defining roles and responsibilities, the Harris County Citizen Corps Council has the full support of the area's first responders and has expanded their coordination of volunteer and first responder services through the Houston-Galveston Area Council, a 13-county regional planning organization.

As a result of this close collaboration, the Harris County Fire Marshall's Office and the Harris County Health Department were able to plan and execute full-scale disaster response drills that tested the skills and preparedness levels of the entire Harris County emergency medical response community.

The Citizen Corps and the Citizen Corps Council clearly serves a vital role for our local communities. Underfunding it in the appropriations process or cutting it out will serve to impede progress that has been made to make our communities safer and more prepared for terrorist attack.

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

Mr. Chairman, this is simple. It takes $20 million out of a very important program that cannot afford it and gives it to a program that does not need it. The $20 million the gentlewoman would put in the Citizen Corps comes from the Flood Map Modernization Fund, a program that is critical to our communities and our individuals. These moneys are for a 5-year, $1 billion program to update and modernize the 100,000 aging flood maps nationwide which affects hundreds of thousands of people. It is already underfunded. So we cannot afford to take money out of that.

We include in the bill $20 million for the Citizen Corps. However, Mr. Chairman, they have got $51 million laying around unused which is way more than they need. There is $51 million in the pipeline all the way back to 2003 that has not been used, and so there is plenty of money there, and we do not want to take the money from the Flood Map Modernization Fund that is critical to so many people in this country.

I oppose the amendment and urge Members to oppose it.

Mr. SABO. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment. The amendment is well-intentioned. However, one of the problems we have in this bill constantly is that while we call it homeland security, it incorporates many pre-existing programs that provide very crucial and important services in this country. One of the things that we have been involved with for a long, long time through FEMA is dealing with floods. The mapping program is already reduced from last year's level, and this would be another $20 million reduction in that very important program. I think while the amendment is well-intentioned, where the money comes from does not make sense to me.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the requisite number of words.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlewoman for yielding, and I appreciate the comments of the ranking member and the chairman.

Mr. Chairman, let me just note that the money for flood mapping which is coming from Harris County and coming from Houston to my county governments and my city governments, I am fully aware of the importance. That funding is at $151 million. I would just ask my county and my cities who may be concerned about the $20 million to remember that this request goes to Citizen Corps groups and first responders, to help secure their local areas.

These dollars can be utilized in enhancing volunteer fire-fighting departments and other support services that the Citizen Corps might desire in order to enhance the security. An informed public, an organized public, a ready public is a crucial part of securing the homeland. I truly believe that the mapping question is important. Who better than those who are in the flood areas, if you will, like Houston which is 50 feet below sea level understand those questions. Many jurisdictions are working on those issues on their own. I would encourage the county governments and city governments who may be concerned to work with me on this. But I would just say to my colleagues that this is an important initiative for the Citizen Corps effort and to be able to strengthen this commitment for our neighborhoods.

I would ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LORETTA SANCHEZ of California:

Page 23, line 14, before the semicolon insert the following: ": *Provided further*, That the Office for State and Local Government Coordination and Preparedness shall ensure that States disburse grant funds obligated to a local government by not later than 15 days after receipt of an invoice for an authorized outlay by the local government".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order. We have not seen the amendment. We have no idea what this is.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to introduce a very important amendment to H.R. 4567. My amendment would make sure that our firefighters, law enforcement officers, and emergency medical personnel or other first responders are actually receiving the terrorism preparedness grant money that the Department of Homeland Security promises to them. The amendment would require States to distribute the already-approved grant money to those first responders no more than 15 days after the States receive the receipts for equipment, training or the other purchases approved under the grants from the local first responders.

The homeland security appropriations bill in its current form would allocate $1.25 billion for formula-based grants. Yet the bill does not spell out the requirements for making sure that the money gets down to our first responders, to our police officers, to our firefighters, to our hospitals and emergency medical personnel.

As we all know, these first responders are not receiving their promised funds to fulfill their mandate to protect our homeland. In some cases, the State is holding tight onto the money. In other cases the local responders do not understand the very complicated process that has been set up for actually receiving those grant dollars from the States. I believe that we need to have a system to verify that critical homeland security money is making its way through the pipeline. That is the biggest criticism that I have heard, that the money is not getting down to the people who have already spent their own money and are supposed to be reimbursed from the Federal Government. My amendment would make such a system possible.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill in violation of clause 2 of rule XXI which states, in pertinent part: "An amendment to a general appropriation 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 anyone else wish to be heard on the point of order?

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I am willing to withdraw my amendment, but I think this is a very important point. I just held for all of the membership here about 10 days ago a meeting with first responders. The answer is always the same. The money is taking too long to come down into the local hands.

Mr. ROGERS of Kentucky. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentlewoman's withdrawing the amendment? Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), $600,000,000, to remain available until September 30, 2006: *Provided,* That not to exceed 5 percent of this amount shall be available for program administration.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: *Provided,* That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $4,211,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $210,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $203,939,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided,* That not to exceed $4,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,042,380,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: *Provided,* That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $150,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2005, as authorized by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106–377), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2005, and remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $33,336,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $79,257,000 for flood hazard mitigation, to remain available until September 30, 2006, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2006, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided,* That in fiscal year 2005, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $562,881,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2006, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided,* That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That, notwithstanding section 203(f) of such Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further,* That total administrative costs shall not exceed 3 percent of the total appropriation.

□ 0930

POINT OF ORDER

Mr. LATOURETTE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LATOURETTE. Mr. Chairman, I make a point of order against Page 31, Line 11, beginning with the words ''provided further'' through the word ''funds'' on Line 15.

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

The CHAIRMAN. Are there other Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the 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.

The Clerk will read.

The Clerk read as follows:

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $160,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code, $183,440,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2006; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $37,917,000, to remain available until expended: *Provided,* That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $132,064,000: *Provided,* That not to exceed $5,000 shall be for official reception and representation expenses.

AMENDMENT OFFERED BY MR. SABO

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

The Clerk read as follows:

Amendment offered by Mr. SABO:

Page 33, line 26, insert before the period the following:

: *Provided further,* That of the total amount provided under this heading, $5,000,000 shall be for the Under Secretary to prepare an analysis of requiring key resources and critical infrastructure to provide information related to actual and potential vulnerabilities to ensure that the Department has timely and efficient access to such information, as authorized by section 201(d) of such Act (6 U.S.C. 121(d))

Mr. SABO (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 Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, this amendment provides $5 million for the Department of Homeland Security to analyze whether critical infrastructure facilities should be required to provide information about their security vulnerabilities to the Department.

These resources are needed because the Bush administration is not working aggressively enough with the owners of critical infrastructure such as chemical plants to identify and address security issues. This modest amount of money to focus the analysis on vulnerable facilities could save us countless lives and resources in the future.

The Department currently lacks meaningful security information on these facilities and is in no hurry to collect it or require it to be provided. Under its current plan, the Department will take years to gather information for all of the 30,000 entities classified as critical infrastructure. In fact, this year DHS only plans again to gather information on 4,000 such entities.

For one sector of the U.S. critical infrastructure, chemical facilities, the General Accounting Office found that no comprehensive information exists on the industry's security vulnerabilities, and many facilities have neither assessed their vulnerabilities nor improved their security.

This is the state we are in today, despite years of warnings from experts and the FBI having identified chemical facilities as clear terrorist targets. According to GAO, there are 709 chemical facilities in the U.S. where a ''worst case'' release would affect 100,000 or more Americans.

Members may want to take a close look at this map to see where these facilities are located in their States. There are about 2,300 more facilities where a ''worst case'' chemical release could affect over 10,000 people and about 15,000 chemical facilities that use or store at least one of 140 hazardous chemicals.

In an appropriations hearing this spring, the Under Secretary responsible for infrastructure protection described what the Department has been doing to address security concerns. He said: ''When we visited in the first round, we were first about helping them assess the situation . . . we have returned in personal visits or in a conference call and attempted to start to develop plans, what I call operational plans, to truly improve the security of the facility.''

Conference calls to develop security plans? Are we really serious? More than 2½ years after 9/11 the Bush administration still thinks that improved chemical facility and critical infrastructure security can be controlled.

I think that the Department should be reviewing vulnerability assessment, not conducting them. That is the heart of what we are saying here. The Department should be reviewing vulnerability assessments done by the plants, not conducting them. They should be reviewing security plans, not making them. They should be checking on facilities to make sure that the security improvements identified in the plans are made.

Is this something unique, something new? No. The fact is the Federal Government already requires such security measures for ports, water utilities, and, believe it or not, chemical facilities that have water access. So if their chemical plant has water access, the requirements to do vulnerability assessments exists; if they are not on a waterway, then it does not exist. For some reason unknown to me, we do not require them for these other critical infrastructures.

While I prefer to offer an amendment that requires such assessments and security plans to be provided for Department review, it would not be in order. However, at a minimum the Department should seriously evaluate the path it takes in gathering this critical infrastructure information. I urge the Members to support this crucial amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Sabo amendment.

Coming from an area where chemical plants and facilities are proliferating and are long-time existing, the whole question of analysis and threat assessment is extremely important, and I would ask my colleagues to support the Sabo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 33, line 24, after the dollar amount insert the following: ''(reduced by $10,000,000)''.

Page 34, line 22, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I really hope my colleagues will understand that homeland security is rooted in our communities, and this amendment encompasses universities, colleges, and rural communities where local community colleges are placed.

This bill embraces historically black colleges and Hispanic-serving institutions to be able to be on the frontlines of homeland security. This amendment takes simply $10 million from the Information Analysis and Infrastructure Protection, the IAIP. It adds these moneys to allow historically black colleges and Hispanic-serving institutions to be able to assist their rural and local communities in securing the homeland in training first responders, in training those individuals on the frontline.

As a letter coming from our community college system says, the tragic events of 9/11 have placed a tremendous demand on these institutions to train individuals and to do research as it relates to first responder roles and first

responder responsibilities. The students aspire to serve in this capacity and help to serve their communities by protecting the homeland. Training those first responders as well as researching the area of the homeland security can be valuable to these older students and these students who may not have an opportunity but yet live in poor communities and rural communities.

A letter from the National Association of Historically Black Colleges, NAFEO, says that the Jackson-Lee amendment provides and can help to serve as the epicenter for their communities, many of which are distressed and underserved, and that is historically black colleges. This amendment ''will afford HBCUs, HISs and community colleges an opportunity to play an important and valuable role in the mission to keep America safe.''

This would increase the Research, Development, Acquisition and Operations account, as I indicated, by a very mere amount. To offset this proposed increase, this moneys, as I said, would be taken from an account that deals with salaries and expenses. These colleges then would be able to be on the frontline.

Recently Texas A&M University was awarded a $20 million to fund its National Response and Rescue Training Center under the ''Centers for Excellence'' program. While I believe this is very important, I am also aware that these colleges offer the same opportunity. Research laboratories, training, information technology, publishing and dissemination can be part of the resources utilized for HBCUs and HISs and community college systems to ensure that they too will be able to be a resource for their neighborhoods and their cities and their county government to train and to send students out proficient in the efforts of homeland security.

The community college systems are able to be close to the neighborhoods and close to the cities and close to the population. They can engage in EMT training. They can engage in firefighting training. They can engage in the training for various public health clinics that would then be on the frontlines in case of a smallpox outbreak.

We noticed that older neighborhoods, older communities, poor communities are as vulnerable as would be our large areas. These community colleges and historically black colleges will provide the opportunity in the community to assess threat, to work with our Federal Government on threat assessment and to work with our cities again and our neighborhoods.

In Houston, for example, there are what we call neighborhood organizations that are trying to organize and educate communities about safety. Community colleges placed all over the country would be well placed to train neighborhoods in safety procedures, far more better equipped than doing this in Washington, DC.

So the idea of this amendment is to bring homeland security closer to our communities and ensure that colleges around the Nation, and what we call community colleges, one of the most local systems of education in our Nation, our local community colleges would have the ability to be able to participate in homeland security.

□ 0945

Let me conclude by saying one of the important components to homeland security would be our county officials and our city officials and the officials in our villages and rural areas. This amendment allows those colleges, well-situated throughout the South, for example, throughout the Midwest, to be able to interface with our county and our city officials, helping to devise threat assessment plans, helping to devise training plans, helping to devise research plans and interfacing with our Federal Government, providing more training for our first responders.

This amendment with its small amount puts homeland security on the frontlines with our colleges and our Historically Black Colleges and Hispanic-serving Universities. I ask my colleagues to support the amendment.

Mr. Chairman, I rise to discuss the base bill, H.R. 4567 and to offer an amendment. The Jackson-Lee Amendment would increase the Research, Development, Acquisition and Operations account under Title IV, Research and Development, Training, Assessments, and Services by 10,000,000 to assert the need to give Historically Black Colleges and Universities (HBCU's), Hispanic Serving Institutions (HIS's), and community colleges an opportunity to support and enhance the efforts of the Department of Homeland Security on a more fair scale.

To offset this proposed increase, the Information Analysis and Infrastructure Protection Management and Administration account under the same title (line 24) would be reduced by the same amount.

America's 110 HBCUs, 242 HISs, and 1,166 Nationwide community college systems have a unique and important role in serving our communities, especially in the area of research and development of homeland security-related programs and services.

Recently, Texas A&M University was awarded a $20 million award to fund its National Response and Rescue Training Center under the "Centers for Excellence" program. TAMU is part of the National Domestic Preparedness Consortium which is scheduled to receive $80 million in funding for homeland security programs nationwide under this bill. TAMU will receive one quarter of these total funds!

While I congratulate TAMU on this success, I contrast this with the fact that I have not seen similar awards made to the HBCUs, HISs, and community college systems.

When I visited Doha, Qatar, TAMU opened it's engineering school under the "Education City" umbrella. Unfortunately, no HBCUs, HISs, or community college made it under that umbrella. This amendment today seeks to try to address this problem and to encourage the participation of these schools.

These institutions have unique capabilities designed to serve as local, State and regional centers for the delivery of technical, logical, and support services, including, but not limited to the following:

Training and Conference Facilities—Conference management;

Research Laboratories—Assessment/evaluation, Systems architecture and engineering, Project assessment, Strategic planning;

Information Technology—Wireless connectivity, Software development, Technical, logistical and support services;

Dormitory Facilities—Emergency housing;

Publishing and Dissemination—Materials development, Document preparation.

Regional funding for HBCUs, HISs, and community college systems can ensure equipment compatibility through the development of common standards, provide access to local, State and regional training sites, standardize training material and workshop content, assist with response plan development and updating, create information sharing networks, design or redesign software and related technologies, and assist with the strategic planning process and information dissemination.

In collaboration, with state and local governments, the HBCUs, HISs, and community colleges would establish specific, flexible and measurable terrorism preparedness capabilities. Areas of funding could include examination of the availability and competence of emergency personnel, planning, training and/or equipment.

Example projects could include a rapidly deployable regional wireless pilot system that provides interoperable with existing infrastructures; development of a chain of custody model for our food supply from the grower to the consumer with monitoring technology; and develop a scalable pilot nationwide command control system that can interface with existing public and private infrastructure.

The Houston Community College (HCC) System in Houston, Texas requested $16 million from this Committee to fund the construction of its Houston Community College Public Safety Institute (PSI). That has not been responded to, however this would help with programs at these colleges regarding homeland security. To help meet Houston's Homeland Security needs, HCC currently trains over 250 EMTs, 300 firefighting cadets, and 200 police cadets annually. HCC facilities are currently 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. The proposed $40 million, 25-acre complex will represent the cooperative relationship between Federal, State, and local law enforcement needed to ensure the Nation's domestic security.

Houston is currently the only city in America that meets each of the 15 Federal threat criteria for a terrorist attack. Therefore, the model for a coordinated public safety system is extremely important.

In order to further advocate this important cause, I plan to offer a proposal to the Department of Homeland Security (DHS) authorization bill that will put an overall initiative in motion to really utilize the vast resources, skills, energy, and creativity that is to be found in our HBCUs, HISs, and community colleges.

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

Mr. Chairman, I am opposed to this amendment. This amendment earmarks $10 million within the Science

and Technology account for specific institutions of higher learning.

Mr. Chairman, we have studiously and steadfastly avoided all earmarks in this bill. There are none. This would be an earmark. For that reason, I have to oppose it. The University Centers of Excellence awards are made on a competitive basis and should stay that way.

All universities and colleges in the United States can apply, including Historically Black Colleges and Universities, Hispanic-serving institutions and community colleges. Universities and colleges can apply singly or together as part of a consortium, pooling the talents of several higher-learning institutions. The recent Center of Excellence award on agroterrorism to the University of Minnesota includes Tuskegee University, a Historically Black University, as one of its partners.

The S&T university program has been proactive in reaching out to minorities. S&T encourages the Center of Excellence competitors to partner with minority institutions. They are setting up a program for partnering university minority faculty with national labs for fellowships and internships. A new Center of Excellence award on emergency preparedness and response will be targeted to the urban community, with the intent of reaching more institutions with minority populations. This center will focus on training for emergency preparedness.

The competition element, Mr. Chairman, is critical to bring together the Nation's best experts and focus its most talented researchers on science and technology solutions to combat terrorist threats against this Nation from wherever they come.

It is absolutely critical to the security of the country that the Department of Homeland Security is able to utilize the best science that the Nation has to offer, be it private sector technology, national labs, or our great universities and colleges. The best way to identify that talent is through open competition, not earmarks, which this amendment would do. For that reason, I urge Members to reject the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, having heard the chairman's explanation, I was wondering if the gentlewoman from Texas could respond.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Virginia. I am prepared to respond.

I thank the distinguished chairman, because I know that the ranking member and the chairman have worked very hard. But it is well known that it is very difficult for the Historically Black Colleges and Hispanic-serving colleges to be competitive in the process he just enunciated. This is expanding the pot in a very narrow way. Frankly, what it does is it says we all comprehensively are valued in the homeland security effort.

You will note that Historically Black Colleges, 242 of them, are located in heavily rural areas. The impact that they have is far-reaching. I heard a colleague on the House say not to leave out the rural areas as it relates to homeland security, not to leave out the agricultural chain, if you will, in homeland security.

Many of our Historically Black Colleges, such as the colleges in Mississippi and Alabama and Georgia, are located many times in rural areas and deal as their basis of research and training in the agriculture industry. Their participation in an effort to secure the homeland where they can participate in the fullest manner, I think, is not too much to ask of my colleagues on the floor of the House today.

This also impacts Hispanic-serving institutions. One of the issues that is key in securing the homeland is responding to our diverse population. Hispanic-serving institutions would have the better ability by language to be able to communicate with those individuals by training, by research, by investment, those individuals who may speak at this time a different language.

So I would respectfully suggest that the funding that has been placed in this bill, though it is certainly responsible and respectful, it does not go to those who have had a very difficult time competing in the large sphere against major universities and institutions far larger than them.

I think if we look at the grant assessment or the grant awarding and balance it alongside of the major institutions in many of our communities, we are respectful of many of those institutions in our communities. The large ones we are very knowledgeable about. We call them the multiplex or multinational universities. They are by far able to surpass some of these Historically Black Colleges.

I have a letter of support on this amendment from the national association of organizations dealing with black colleges, NAFEO, that welcomes the opportunity to participate, 118 historically and predominantly black colleges, along with the representatives from the community college sector. What they simply say is, we are the little guy.

Let us help out the little guys. The little guys need help. This is not to say that this is a handout, because we know that homeland security is too serious for that, but in fact because it is needed and because these individual colleges, small colleges, Historically Black, Hispanic-serving, can serve in the community, work on homeland security and really do what we are trying to do on the floor of the House today, which is to ensure that we have a strong Citizen Corps, to ensure that we have the first responder system. This can be worked out of this, giving them greater assistance by helping to secure the homeland, by training first responders right in the neighborhood, and working on research opportunities and training opportunities.

I thank the distinguished gentleman for yielding. I ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The Clerk will read.

The Clerk read as follows:

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $722,512,000, to remain available until September 30, 2006.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $68,586,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,063,713,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503 (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1)

creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; unless both Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this subsection shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations for salaries and expenses for fiscal year 2005 in this Act shall remain available through September 30, 2006, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of an Act authorizing intelligence activities for fiscal year 2005.

SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the Department or its directorates from: (1) any discretionary or formula-based grant program of the Office for State and Local Government Coordination and Preparedness; (2) any letter of intent from the Transportation Security Administration; (3) any port security grant; or (4) awards for Homeland Security Centers of Excellence: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center shall ensure that all training facilities under the control of the Center are operated at optimal capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. None of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items; or

(2) space for necessary security checkpoints.

SEC. 512. (a) None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

(b) None of the funds in this Act may be used to procure articles, materials, or supplies for public use, or to enter into a contract for the construction, alteration, or repair of a public building or public work, pursuant to an exception set forth in section 2 of section 3 of the Buy American Act (41 U.S.C. 10a et seq.) until—

(1) a notification of the intent to apply such exception is submitted to the Committees on Appropriations of the Senate and the House of Representatives; and

(2) a period of 15 days has expired after the date on which such notification is so submitted.

(c) The Inspector General of the Department of Homeland Security shall conduct audits of contracts entered into by the Department of Homeland Security during a fiscal year for purposes of determining compliance with the Buy American Act (41 U.S.C. 10a et seq.). The Inspector General shall submit to the Committees on Appropriations of the Senate and the House of Representatives an annual report on the results of the audit. The report shall be submitted at the same time the President submits to Congress the budget for a fiscal year and shall cover the same fiscal year. The first report under this subsection shall be submitted with for fiscal year 2006.

SEC. 513. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: *Provided*, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft: *Provided further*, That the Secretary shall amend Security Directives and programs in effect on the date of enactment of this Act to, at a minimum, double the percentage of cargo inspected on passenger aircraft.

SEC. 514. Notwithstanding sections 524, 571, and 572 of title 40, United States Code, the Secretary of Homeland Security may sell the Bolingbrook family housing area in Bolingbrook, Illinois, the Prairie View family housing area in Prairie View, Illinois, the Chapel Hill Rear Range Light in Leonardo, New Jersey, and the Richmond Heights housing complex in Miami, Florida: *Provided*, That to the extent the sale proceeds exceed the 10 year statistical average of proceeds from Coast Guard property sales as determined by the Office of Management and Budget, the sale proceeds in excess of that average shall be credited to an account of the Coast Guard and be available for the Coast Guard.

SEC. 515. (a) ESTABLISHMENT OF CHIEF PROCUREMENT OFFICER.—The Homeland Security Act of 2002 is amended as follows:

(1) In section 103(d) (6 U.S.C. 113(d)), by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

''(5) A Chief Procurement Officer.''.

(2) By redesignating sections 705 through 706 (6 U.S.C. 345–346) in order as sections 706 through 707, and by inserting after section 704 the following:

''SEC. 705. CHIEF PROCUREMENT OFFICER.

''The Chief Procurement Officer appointed under section 103(d)(5) shall report to the Secretary.''.

(3) In the table of contents in section 1(b), by striking the items relating to sections 705 through 706 and inserting the following:

''Sec. 705. Chief Procurement Officer.
''Sec. 706. Establishment of Officer for Civil Rights and Civil Liberties.
''Sec. 707. Consolidation and co-location of offices.''.

(b) REPORTING BY CHIEF FINANCIAL OFFICER AND CHIEF INFORMATION OFFICER.—Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342, 343) are amended by striking '', or to another official of the Department, as the Secretary may direct'' each place it appears.

SEC. 516. The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

SEC. 517. (a) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by inserting after section 44944 the following new section:

''§ 44945. Disposition of unclaimed money

''Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport

security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.''.

(b) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.

(c) CLERICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by adding the following new item after the item relating to section 44944:

''44945. Disposition of unclaimed money.''.

SEC. 518. Notwithstanding section 3302 of title 31, United States Code, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for the lease of real and personal property for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 519. The acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 520. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, competitive service positions within the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided,* That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section.

SEC. 521. Section 312(g) of the Homeland Security Act of 2002 (6 U.S.C. 192(g)) is amended to read as follows:

''(g) TERMINATION.—The Homeland Security Institute shall terminate 5 years after its establishment.''.

SEC. 522. Section 311(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 191(c)(2)) is amended to read as follows:

''(2) ORIGINAL APPOINTMENTS.—The original members of the Advisory Committee shall be appointed to three classes. One class of six shall have a term of 1 year, one class of seven a term of 2 years, and one class of seven a term of 3 years.''.

SEC. 523. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 524. None of the funds in this or previous Appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) until the Secretary of Homeland Security has certified that the requirements of paragraphs (1) through (8) of subsection (a), and the requirements of subsection (b), of section 519 of Public Law 108–90 have been met and the General Accounting Office has reviewed such certification: *Provided,* That the Secretarial certification and General Accounting Office review shall explicitly include the efficacy and accuracy of any algorithms contained within CAPPS II to predict the likelihood of a passenger's association with terrorists: *Provided further,* That the Secretarial certification is not delegable.

SEC. 525. None of the funds appropriated in this or any other Act may be used by the Undersecretary for Management, the Chief Financial Officer, or the Office of Management and Budget for the purpose of reviewing or altering any report directed to be submitted to the Committees on Appropriations in this Act and its accompanying report. This section shall only apply to those reports related to the operations, programs, and activities of the Department of Homeland Security.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against section 524.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against page 47, line 6, beginning with ''and the'' through line 13.

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. Are there other Members desiring to be heard on the point of order?

Mr. SABO. Mr. Chairman, this is a provision that fundamentally continues what is existing law that is applied for this. I think it is unfortunate that the point of order is raised. I think this amendment deals with some of the most sensitive privacy issues that are involved with the Department of Homeland Security. On the other hand, I understand that this is legislation in the bill, and, unfortunately, it is being struck.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the specified portion of the section imposes new duties and therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and that portion of the section is stricken from the bill.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise points of order against section 512, subsections (b) and (c), section 514 and section 525 on the grounds that these provisions change existing law in violation of clause 2(b) of House rule XXI and therefore are legislation included in a general appropriation bill.

The CHAIRMAN. Is there further discussion on the points of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I will only make a brief statement in regards to the gentleman from Tennessee (Mr. WAMP), who serves on our subcommittee, who has been so active on this issue. He has been a leader in the whole Congress on Buy-America issues through diligent efforts on his part to make sure that companies that manufacture goods and supplies must comply with the Buy-America Act.

I regret that this provision is being probably stricken from the bill, but the work of the gentleman from Tennessee (Mr. WAMP) on this issue must go as noted, because it certainly has been a labor of love on his part, and a very effective one.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have discussed this with the gentleman from Tennessee. We are uncomfortable, as the gentleman knows, with the reporting requirements just through appropriations. We would want to include the committee which has jurisdiction over Buy-America, which is ours. We cannot rewrite this, but I pledge to work with the gentleman as we move forward on these issues.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that sections 512(b) and (c) impose new duties on the Inspector General of the Department of Homeland Security, that section 514 explicitly supersedes existing law, and that section 525 addresses funds in other acts. Therefore, each of the provisions constitutes legislation in violation of clause 2 of rule XXI. The points of order are sustained and the provisions are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 526. (a) CLARIFICATION OF PROHIBITION ON CONTRACTING WITH FOREIGN INCORPORATED ENTITIES.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period '', or any subsidiary of such an entity'';

(2) in subsection (b)(1), by inserting ''before, on, or'' after the ''completes'';

(3) in subsection (c)(1)(B), by striking ''which is after the date of enactment of this Act and''; and

(4) in subsection (d), by striking ''homeland'' and inserting ''national''.

(b) PROHIBITION ON ORDERS UNDER TASK AND DELIVERY ORDER CONTRACTS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is further amended by adding at the end the following new subsection:

''(e) TASK AND DELIVERY ORDERS.—After the date of the enactment of this subsection,

no order may be issued under a task and delivery order contract entered into by the Department of Homeland Security before, on, or after the date of the enactment of this Act if the contractor for such contract is treated as an inverted domestic corporation under subsection (b).''.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 526(b) of H.R. 4567 on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI, and therefore is legislation included in a general appropriations bill.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

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Mr. TOM DAVIS of Virginia. Mr. Chairman, it is section 526(b).

The CHAIRMAN. Is there any further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the subsection directly amends the Homeland Security Act of 2002. The subsection, therefore, constitutes legislation in violation of clause 2 of rule XXI.

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

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

Mr. Chairman, I greatly regret the action that has just taken place. Both political parties are posing for political holy pictures on the issue of exporting jobs, and both parties have done it for quite some time.

This language that was just stricken represents the second attempt over a 2-year period for a number of us on this side of the aisle to try to eliminate rewards that our government provides to corporations who, for tax purposes, decide to claim citizenship of another country, thereby adding to the tax burden of the American citizens who remain in this country.

This language was meant to prevent Accenture from getting a contract from the Homeland Security Department that could be worth up to $10 billion.

Now, I do not think that the American public minds spending any money that we need to appropriate to protect the homeland, but I do think they feel it is particularly absurd in this case, because this contract involves a contract to establish a process by which we track the activities of people as they cross our borders. And it is ironic that the company who will be given that juicy contract is a company that in itself has determined that it would rather locate for tax purposes in Bermuda rather than the United States.

Now, what was stricken, or as a result of the language that was stricken, the prohibition on future contracts remains, as I understand it, but the countermanding of the contract to Accenture is eliminated by the action just taken. I just find that amazing. I recognize that the gentleman had the technical right to do so.

We will hear that oh, Accenture pays a higher rate of taxes than the other companies that were competitive for this contract. But that is measuring only the percentage of taxes that they pay on reported income, and a large portion of that company's income is exempt under the way they have it structured. If we take a look at the filings of that company with the Federal Trade Commission, we will see by their own admission that they decided to locate in Bermuda in order to escape tax burden. Now, by definition, that means they are shoving that tax burden on the remaining taxpayers who stay in this country and do not try to engage in these clever games.

This is the second year in a row that language like this has been eliminated after it was adopted on a bipartisan basis by a 2-to-1 vote in our committee. It seems to me that rather than eliminating this language, this Congress should have taken action to strengthen it across the board. Until we do, with a great many taxpayers, Uncle Sam is going to be known as Uncle Sucker.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the action by the gentleman from Virginia, the chairman of the Committee on Government Reform, in raising a point of order against section 514 in which the Coast Guard would have been granted authority to waive certain provisions of the McKinney-Vento Homelessness Act, but I want to make clear, and I think this is the case for all of us who had a jurisdictional problem here, part of that amendment would allow the Coast Guard to keep the proceeds of any sale it is able to make, rather than having it put in the general fund. That is not an authorizing matter, that is an appropriations matter. If that is all it said, I would not have had any objection, and I do not know that anyone else would. What we objected to, I believe, was the provision that would have waived the substantive rules regarding a right of first refusal for groups interested in housing.

So I would just say to my colleagues on the Committee on Appropriations, if in fact this bill comes back from further points in the process with language simply making clear that the Coast Guard can keep the proceeds rather than putting them in the general fund, I certainly would have no objection as the ranking member of the authorizing committee. The important point is to preserve the policy involved in not selling off the property until we first see whether it is available for housing.

Now, it was appropriate to do what the gentleman from Virginia did and strike the whole section, because these were intermingled in the wording, but if it came back simply dealing with what happens to the funding after the properties are sold, I do not think that would be a problem.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the gentleman's remarks, and I agree with them.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Let me just respond to my friend from Wisconsin who has raised this issue.

I have struck for the second year in a row these so-called corporate inversion amendments. The appropriate time to take this up in my opinion would have been before the procurement moved forward. Several committees of this House held hearings on the US-VISIT contract. I think if this had been part of the initial contract, then we would not have gone through this process, companies would not have spent millions of dollars, and we could have addressed this earlier in the process.

The difficulty now is that we would delay this process up to 2 years further, and I think it is a needed program.

We have kept the language in section (a) under this going forward for future contracts in the spirit of compromise with the gentleman, but I understand his concerns. I have other substantive concerns with what the gentleman has said, but I think in the spirit of compromise we have tried to get an appropriate balance and allow the contract to move forward.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman and understand the argument that he makes. I would simply say that this Congress has had a long time. If the Congress had not eliminated the language that we offered last year, that was stricken by a point of order, we would not be in this situation of having to look back.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, I understand the gentleman's concern. The issue has been addressed in other tax laws, but I understand the gentleman's concerns on this and I look forward to working with him.

Ms. MILLENDER-McDONALD. Mr. Chairman, I ask unanimous consent to offer an amendment to a section that has passed.

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

There was no objection.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

At the end of title III add the following:

ALTERATION OF DOLLAR AMOUNTS

The amounts otherwise provided by this title are revised by increasing the amount

made available for ''Office for State and Local Government Coordination and Preparedness—State and local programs'', by increasing the amount allocated under that heading for port security grants, and by reducing the amount made available for ''Emergency Preparedness and Response—disaster relief'', by $275,000,000, respectively.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to offer this amendment that has strong bipartisan support. This amendment will provide more funding for our Nation's seaports. This is a measure that is long overdue.

I will put it simply: my amendment will transfer $275 million from the Disaster Relief program to the Port Security Grant program, which will provide a total of $400 million for fiscal year 2005 funding for our Nation's seaports.

The choices that we have to make in light of this budget are very difficult. Our needs are much greater than our resources. Therefore, transferring funds from the Disaster Relief program seems to be a way of providing more funding for a very critical issue and a national security issue.

This year, the Disaster Relief program is being funded at $2 million, a $242 million increase from the fiscal year 2004 level of $1.8 million. There is $500 million of unexpended funding from last year's Disaster Relief program. Combine the two and we have an excess of $742 million. Subtract $275 million from the $742 million access in Disaster Relief, and the program still has a surplus of $467 million, while the Port Security Grant program will be funded at $400 million, the very minimum that the Coast Guard has recommended to secure our ports.

The question has to be asked, can we use some of this access funding to secure our Nation's ports and address a very important homeland security issue? This additional funding will help secure our Nation's 361 ports and the many, many communities that surround them. Our Nation's coastline is our longest border, which is a 95,000-mile coast that includes the Great Lakes and inland waterways.

Protecting America's seaports is also critical to the Nation's economic growth, vitality, and security. Whether my colleagues have a seaport in their district or not, our Nation's seaports touch communities across this country and fuel our national economy. Seaports handle 95 percent of our Nation's overseas trade by volume, support the mobilization and deployment of U.S. armed forces, and serve as a transit point for millions of cruise and ferry passengers. Maritime industries contribute $742 billion per year to the U.S. Gross National Product.

By supporting this amendment, my colleagues will be providing the minimum amount that the Coast Guard has recommended. For example, the Coast Guard has recommended that the minimum investment in securing our Nation's seaports are $1.1 billion first-year investment, $5.4 billion over the next 10 years, and that is a total of upwards of $6.5 billion. These recommendations were made over 2 years ago. The price will only go up if we wait any longer. To date, only $517 million has been allocated for port security funding.

In contrast, this Congress provided upwards of $11 billion to aviation security after 9/11. We have acted as a unified body in the past in addressing our Nation's overarching security needs. We need to do that again in port security. My amendment will address some of our Nation's most glaring vulnerabilities instead of after the fact.

We have a Coast Guard recommendation. We have the blueprint of how to secure our seaports. Now we must make a concerted effort to get the most out of how we invest the people's money. My amendment does just that.

Finally, we have a precedent of the impact our ports have on our economy if they were to be shut down. As we remember, back in 2002, during the West Coast lockout, our western ports were closed for 10 days. The impact to the national economy was estimated at $1 billion per day. That is a total of $10 billion.

I am passionate about this issue. Today we have an opportunity to provide leadership and guidance for the present and future security of our Nation and our economy. The administration has only put in $47 million. That is underfunding our ports, which are critically vulnerable at this state.

Mr. Chairman, we have an opportunity before us to assure the American people that we as Members of Congress are addressing the security needs of our Nation.

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We have created the Department of Homeland Security to shepherd us into the post-9/11 era. Although Congress and the administration have provided resources, they are too little to address this homeland security threat. This funding is still woefully inadequate. Now we must provide guidance and leadership on this national security issue.

Let us use the tools that we have to focus on a very important national security issue. We owe it to our communities to lead and not react.

Mr. FERGUSON. Mr. Chairman, I rise in strong support of this amendment. I understand that the sponsor has said that she may withdraw this amendment, but it is an important issue to draw attention to. I rise as a co-chair and a co-founder of the Port Security Caucus in this House.

I come from the State of New Jersey, and we have one of the major shipping ports in our Nation just outside the reaches of my congressional district in New Jersey. I had an opportunity to visit there about a month ago, and I spent the day with the Coast Guard traveling around the harbor. I had an opportunity to walk through the screening procedures with the customs agents and others who are charged with the enormous task of screening and making sure that the millions of cargo containers that come in through Port Elizabeth/Port Newark, through that particular port, are safe and are not going to put our families and communities in danger.

It is clear if you travel and are familiar with the ports of our country, like that major port in New Jersey, that our ports are open doors to world commerce. Ports create jobs, they facilitate trade, and they are absolutely vital to our economy. That is why port security is critically important to the security of our Nation and to the overall health of our economy. Port security and economic security are tied together hand in hand. They are one and the same.

The horrific events of 9/11 have shown us how vulnerable we are to terrorists who are bent on disrupting and destroying our way of life in America. Unfortunately, our ports, a gateway to commerce into our country, can also be seen as open doors into our Nation by these terrorists and those who seek to do us harm.

The U.S. Coast Guard estimates that a 1-month closure of a major port in our country will cost our national economy $60 billion. That is why we must fund the Port Security Grants Program to at least the $400 million level prescribed by the American Association of Port Authorities. The Coast Guard estimates that addressing terrorist threats at port facilities will cost $5.4 billion over the course of the next 10 years, with $1.125 billion of that amount required in the first year for purchasing equipment and hiring and training security officers and preparing paperwork.

Without significant Federal support in fiscal year 2005, these new Federal requirements are likely to become unfunded Federal mandates and large financial burdens on our port facilities all across the country. Significant homeland security funds are needed to speed the protection of our open doors of commerce. Even though Congress has provided funding for port security in past appropriation cycles, this year is especially critical because this is the year when the new mandates will go into effect.

The U.S. Coast Guard's first year cost estimate of over a billion dollars is consistent with the amount of need shown in each of the application rounds for the grants. Port facilities have requested nearly a billion dollars in each round for the Port Security Grant Program. Federal funds have been available to pay for only 13 to 17 percent of these needs. We need the Port Security Grants Program to be funded at the $400 million level next year.

While this is significantly higher than last year's appropriations, it represents only 36 percent of the projected cost of facilities improvements. Compared to the billions allocated to airports and first responders and science

and technology, this is a modest investment in our Nation's security infrastructure.

Mr. Chairman, the FBI testified earlier this year that ports are a key vulnerability that has attracted interest from terrorist and terrorist organizations. We must do all we can to support securing our Nation's ports. Communities, neighboring ports, as well as the entire Nation depend on the steady and uninterrupted flow of commerce via our ports. It would be a mistake to ignore this threat any longer.

I will close by just reiterating that I serve as the chairman of the Port Security Caucus in this body. We have learned an enormous amount about our vulnerabilities in the post-9/11 world; and clearly, port security is one of the areas where we are still at great risk and at great vulnerability.

I ask the chairman of the subcommittee and the ranking member of the subcommittee as they go to conference to please look to see if there are ways to bump up the level of funding that has been included in the bill, and I certainly appreciate their hard and very dedicated efforts.

As I said last night, this is perhaps one of the most important bills we will pass this year, and I thank the chairman for his great work on this bill.

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

Mr. Chairman, I rise to support the Millender-McDonald/Ferguson/Pascrell/Nadler amendment to increase funding for port security. This amendment will transfer $275 million from the Disaster Relief Program to the Port Security Grant Program, which will then provide a total of $400 million for our Nation's seaports. Of course, I support increasing funding by much more than this $400 million, but this amendment is an extremely modest approach to begin doing something feasible right now to protect our Nation, and I firmly support the amendment.

The Coast Guard has said the amount in this amendment is the absolute minimum that is needed. Remember, we are at war. It is time to begin acting like it. We all know an attack can come at any time, and we must do all that we can do to stop it. That means investing more money in port security.

Frankly, this is a drop in the ocean. The fact is 2 percent of the containers of the 6 million containers that come into our ports every year are inspected; 98 percent could have an atomic bomb in them, or radiological bomb, or anything else, and we do not know about it. The fact is we should insist, and this amendment does not do it but it is a step in the right direction, and an amendment to do the right thing would be ruled out of order, the right thing would be to insist that no container gets put on a ship bound for the United States in a foreign port until that container is inspected by an American team in the foreign port. It is a little late to be discovering in New York or Los Angeles that there is a nuclear weapon in a container. And if a foreign country does not want an American team in their port, that is fine, they are sovereign, but they do not ship anything to the United States. That ought to be our policy.

We ought to spend the several billion dollars a year. If we are serious about protecting our people, we ought to spend the several billion dollars a year to inspect every container before it is put on a ship in a foreign port. We are at war, and this is serious business.

Last year on this floor I engaged in a colloquy on this subject, and a distinguished gentleman on the other side of the aisle said well, we will inspect the high-risk containers. And I said, so, well, the terrorists will put the weapons in the low-risk containers.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman may be referring to another section of the bill. This is about port security, not container or cargo security. It is about the security of the port itself.

Mr. NADLER. Mr. Chairman, reclaiming my time, I am aware of that. And I am aware that if I offered an amendment to do what we ought to do, it would be ruled out of order, as it was last year, so I am using this opportunity to talk about this amendment, to talk about what we really ought to do, which the majority would rule out of order if we attempted to do it.

So the fact is what we really ought to do is inspect every container in a foreign port. We cannot do that because the administration does not take the war being waged against us seriously enough. They think the tax cuts are more important for the American people. They will not let us spend that money; the majority will not let us spend that kind of money, so we are reduced to doing what we are talking about in this amendment, which is a very modest step to increase to $400 million the total for port security because maybe we will catch in our ports here what we elect to put in containers abroad because we did not inspect them when they should be inspected.

So I support the Millender-McDonald amendment as a very modest first step. The vote on this amendment will tell whether the Members voting take the security of the American people seriously or not. I urge Members to take the security of the American people seriously and vote for this amendment as a very modest first step.

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

Mr. Chairman, I rise in support of the amendment. My colleagues, the gentleman from Virginia (Mr. SCHROCK), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the gentleman from Virginia (Mr. FORBES), the gentleman from Virginia (Mr. CANTOR) and I represent the Richmond and Hampton Roads area of Virginia. Richmond is the home of the Port of Richmond. Hampton Roads is not only the home of the Port of Hampton Roads, but also the home of the world's largest Navy base and other strategic military installations, a nuclear power plant, and an oil refinery. It is considered one of the most target-rich areas of the Nation for terrorist attack. Each year over 2,500 commercial vessels enter the Port of Hampton Roads alone, so adequate funding for port security is a significant issue for those of us who live in Richmond and Hampton Roads.

To guard against vulnerabilities, such as cargo containers being used to smuggle chemical, biological or nuclear weapons, or the ships themselves being used as weapons, the Coast Guard has estimated it will cost approximately $1.1 billion to properly protect our ports from terrorism.

Congress has taken the lead in supporting port security grants by appropriating a little over $500 million since 9/11. This bill contains another $125 million but still leaves us almost $500 million short of the Coast Guard analysis. The amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) would close the gap by an additional $275 million. These funds will ensure that ports will be able to pay for adequate security measures to protect all Americans against terrorist attacks from our seaports.

Finally, Mr. Chairman, I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her detailed analysis that she has provided us which shows that even after the transfer, FEMA will have more money than it had last year even though it ran a surplus last year of over $500 million.

Furthermore, I want to thank the gentlewoman for pointing out that the $400 million is a small portion of the $16 billion in customs fees generated by the maritime industry. This bipartisan amendment is supported by the American Association of Port Authorities and the Port Security Council of America. I ask that we support the amendment.

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

Mr. SCOTT of Virginia. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, the gentleman speaks from the East Coast, I would like to add support for the gentleman's remarks from the West Coast. And thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this amendment.

I represent San Diego, California—a large Navy port. I used to say we are the biggest Navy port in the world, but the gentleman says it is in Virginia, so we will have to fight over that later.

We have three nuclear reactor aircraft carriers sitting in our harbor and a nuclear submarine base right there. I think it is generally acknowledged that port security is the weakest link

that we have in our system right now and where the lowest amount of resources relative to need has been put. We simply have got to do a better job.

The gentleman from New York was talking about containers, and the chairman of the subcommittee said we are talking about port security. I would note that in most of the ports of the United States there are millions of empty containers sitting around and we have no idea what is really in them. We call them empties because they supposedly have been unloaded, but according to the experts on this, and that is the dock workers and the longshoremen of America, the potential for these containers to be security risks are very great. It seems to me that we should incorporate the inspection of these into our notion of port security and give the power to do this to our Coast Guard or other port security officials.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, we can talk about container security if Members want, but this amendment is about port security. We have a great container security program. Every high-risk container is searched offshore. We are going to be in 47 foreign ports doing that.

□ 1030

But please, can we talk about port security? If we want to talk about container security, we can do that, but not on this amendment.

Mr. FILNER. I understand what the chairman is saying. I would argue with great respect that the so-called empty containers lying around the ports are part of our port weakness. Container security is port security. Longshoremen have shown that the way that we inspect, for example, ''an empty container'' is through an optical system that leaves almost one-third of the container completely invisible to the so-called inspection. In addition, most of the inspection techniques do not allow us to really know what is inside.

I was going to do a press conference that would show, after an inspection of an empty container, a longshoreman jumping out with an Uzi and showing that we can actually bring in weapons of mass destruction in these seemingly empty, innocent things.

So we have got to do a better job. The amendment of the gentlewoman from California (Ms. MILLENDER-MCDONALD) ought to be supported, and I appreciate the comments of the gentleman from Virginia.

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

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

Mr. Chairman, port security obviously is terribly important, and that is why we have provided in this bill $125 million, which is $79 million more than was requested and more than the 2004 level. So we are putting heavy emphasis on port security in the country.

Is that enough money? Of course not. There is not enough money in the world to perfectly protect everything in America, but we think we have on balance provided plenty of money in the bill for port security.

Number two, I have to oppose this amendment for a second reason, and that is probably the most important one. And that is that this would dangerously deplete the disaster relief fund, which concerns me greatly, and we are just now getting into the heavy part of the disaster season. So if there were another offset, this might be more attractive to me, but to take the money out of disaster relief is just a dangerous thing.

So I oppose the amendment. I would hope the gentlewoman from California (Ms. MILLENDER-MCDONALD) would consider withdrawing the amendment, and we will address this issue, I guarantee in the conference with the Senate, the other body, as we go along during the year. But I appreciate very much the gentlewoman from California (Ms. MILLENDER-MCDONALD), and those who have been speaking with her, in bringing up this very, very important issue, and I assure them it is on my mind and on the mind of the subcommittee.

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

Mr. Chairman, I will not take the 5 minutes, but I do want to challenge something my friend, the gentleman from Kentucky (Mr. ROGERS) just said. He indicated that every container in foreign ports was inspected. That, as I understand it, is far from the facts.

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

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

Mr. ROGERS of Kentucky. I did not say every container. I said every high-risk container.

Mr. OBEY. Let me simply suggest that that gives me no comfort. The fact is that we have two basic problems with container inspection. The idea behind the new system that the administration is talking about is to see to it that cargo is inspected before it ever leaves the foreign port headed for this country. The problem is that of the major ports that are considered potentially dangerous, we are covering only half of those ports right now with our own inspection personnel in any effective program.

And I would point out further that the personnel that we have in these ports are assigned largely on the basis of 6-month temporary duty jobs. That means that just about the time they get to understand the ports that they are working in, they go home. No foreign country is going to waste any time, invest any effort getting to set up a working relationship with people who are going to be gone in 6 months. It would be like us hiring somebody on our staffs and then firing them every 6 months and having to break in a new person. It is a pretty dumb way to do business.

So while I have great misgivings about the source of money of the gentlewoman from California (Ms. MILLENDER-MCDONALD) and I agree with the chairman on that point, I do believe that we need to understand there are massive problems associated with port security, and if we do not do a whole lot more than the budget resolution allows us to do, some day we are going to regret it very much.

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

Mr. Chairman, I recognize the comments of the distinguished chairman, but I appreciate the comments made by the ranking member, the gentleman from Wisconsin (Mr. OBEY).

I would just commend my colleagues to visualizing ports. For those of us who have ports in our communities, and those of us who serve on the Select Committee on Homeland Security had an opportunity to see a number of working ports around the country, the acreage is huge, and I will not upset the chairman. I will not mention containers, because this is a question of securing ports.

The acreage, in and of itself, is massive; and I know that the good work that has been done by many of our ports, along with the Coast Guard, there have been great strides toward homeland security.

I would like to cite the Houston Port Authority for its improvement on securing its acreage.

But the gentleman from Wisconsin (Mr. OBEY) is right. The employees in many instances are temporary. In many instances, they are from many foreign ports. Sometimes they come on shore and are not able to leave the area. We think mostly of ports from the water side, if you will, but in many ways, there is a lot of influx of traffic, trucking traffic that may not be regulated.

This investment is minor compared to the largeness of the question. The gentlewoman takes $400 million from a $2 billion allotment. This, of course, responds to the fact that $500 million were unexpended in disaster relief. I know that you cannot predict a disaster and a disaster may occur at any time. But in viewing ports from very different perspectives and different regions of our country, I can assure my colleagues that there is nothing probably more important and more forgotten even in the good work that the ranking member of this appropriations subcommittee and the chairman have done than seeing what is going on in our ports. We face a situation in our community where the key was not so much the water side of the port; but it was a dry side, if I might, the exit and entry of people coming on the grounds for a variety of reasons. There was a private security company, and there was not the kind of tight security that was necessary. Much havoc can be done

on the port on dry land as there is a large degree of unloading and containers remain on the dry side, if you will, for a period of time until they are sent off the grounds. There is a lot of ingress and egress problems.

I would just simply say that the Coast Guard who we asked to rise to the occasion after 9/11 did that without the immediate resources by being in our waterways both in terms of their civilian work and their military work. We just lost our first Coast Guard personnel in the Iraq war just recently, a couple of weeks ago, a couple of months ago maybe; but this amendment, I think, responds to the fact that it is a great challenge to secure these ports. I would ask my colleagues to consider this, but I also would hope that the chairman and ranking member would consider this amendment in conference.

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

Mr. Chairman, as a member of the Select Committee on Homeland Security, I am very proud to cosponsor this port security amendment which would more than triple the Federal funding for security enhancements in our ports. I believe that the chairman, I do not say this in a condescending way at all, and the ranking member of the subcommittee have done an outstanding job with insufficient allocation. That is my position. When everything is a priority, nothing is a priority. We have to establish priorities based upon assessment, risk assessment.

Mr. Chairman, we do not have a national assessment of our most vulnerable areas. We have asked for this 2 years ago, we asked for this 1 year ago, because I think this amendment would not be on the floor. Our assessment as laymen indicates that this should be a priority. It is our weakest point. One glaring need in this bill begs for more resources and that is port security. I fear that providing the same level as last year will not suffice. There is a legitimate threat that maritime transportation will be used to smuggle people, to smuggle weapons or other materials into the United States for the purpose of terrorist attacks. We know that. We know that from the intelligence. The FBI testified earlier this year that ports suffer from an acute vulnerability. How could we allow this to continue in a time of heightened risk?

In the wake of 9/11, Congress passed the Maritime Transportation and Security Act. That act required, among other things, the establishment of a maritime security committee and security plans for facilities and vessels. The deadline of July 1 for this mandate is only a few weeks off. I hope everyone in the Chamber understands that in 2 weeks that mandate about our port security must go into effect. Or shall it be like all the other mandates we have had, for instance, dealing with airlines?

To meet these mandates, the MTSA authorized a grant program to help pay for security investments and enhancements. While the committee improved upon the disturbingly insufficient funds requested by this administration, here we go again, Democrats and Republicans from both sides of the aisle are not accepting what the administration has put forth. Thank goodness. We talk about security out of one side of our mouth, and then we provide the proposals that do not meet these priorities. That is a fact of life. The Coast Guard estimates that the first year of cost compliance with the Maritime Transportation Security Act will be $1.2 billion. Demand from the ports is far outweighing the supply of assistance. The Coast Guard, remember that forgotten branch of our service, is now a prominent part of security in America.

In the first 3 rounds of grant awards, and I would ask the gentleman from Kentucky to please heed this, this is a priority, this is serious business, and I know he takes it seriously, the DHS funded less than 20 percent of the submitted applications. How can we stand on the floor of the House and say that this is now sufficient money to deal with what we have all considered to be and deemed such a priority when only 20 percent of the applications have been responded to? Many deserving applications to help install access controls to our ports, surveillance equipment, communications upgrades, really lacking, and physical enhancement at ports around the Nation had to be denied because of a lack of funds.

We are not asking to put more money into this particular part of the budget. We are saying, let us shift some dollars from this part of the budget to that part of the budget. When everything is a priority, nothing is a priority.

The Port of New York and New Jersey, the largest on the east coast, generates 229,000 jobs and $14.6 billion in gross domestic product. It is a major economic driver for the metropolitan area. I would say that we could obviously duplicate this throughout the entire country.

I ask the chairman to please address this. I appreciate all that he and the ranking member have done in this area.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am withdrawing this amendment. I thank the indulgence of the chairman and the ranking member and do urge them to try to find funding for this very critical national security issue.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the amendment is withdrawn.

There was no objection.

□ 1045

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

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

SEC. ____. None of the funds appropriated by this Act may be used to issue an order under a task and delivery order contract to entities not in compliance with section 835 of Public Law 107–296.

Ms. DELAURO. Mr. Chairman, the American people should be outraged by the actions on this floor just a short time ago, actions that would allow the Department of Homeland Security to move forward with a $10 billion contract for a corporate expatriate. A corporate expatriate, a company that goes offshore, Bermuda, Cayman Islands, other places, sets up a shell corporation all for the purpose of diminishing their tax liability; that is, not paying the taxes that they should be paying to the United States of America.

The Republican leadership has finally after 18 months relented on their opposition to closing the loopholes in the ban on Department of Homeland Security contracts to corporate expatriates, but as so often happens with the Republican House leadership, they have said yes on the one hand and no on the other. They agree that it is wrong for the government to contract with companies who go offshore in order to avoid their tax liability, but at the first possible chance they grant an exemption to this ban by allowing the largest Homeland Security contract to date to go to one of the worst offenders, Accenture of Bermuda.

That is why I am offering this amendment with the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. DOGGETT), the gentleman from Massachusetts (Mr. NEAL), and the gentlewoman from New York (Ms. SLAUGHTER).

Our amendment will prohibit the Department of Homeland Security from spending any appropriated funds to carry out any contracts with an entity which qualifies as an inverted company or partnership under the law. The underlying bill will close loopholes that allow companies which have already incorporated in Bermuda and their domestic subsidiaries to receive contracts, loopholes that essentially gutted a ban that this House passed in July of 2002 by a vote of 318 to 100. But at the same time, without this amendment we will allow the Department of Homeland Security to move forward on a $10 billion contract to just such a company.

Accenture claims they were never an American company. Let us look at the facts. They were a part of Arthur Andersen until 2000. They incorporated in Bermuda in 2001. Their chief executive officer is based in Dallas, Texas. Their stock is traded on the New York Stock Exchange.

More importantly, let us look at numbers. Even as Accenture reported that its American earnings increased by over $319 million in 2003, its U.S. tax liability decreased by almost $240 million. Simply stated, their revenues are going up; their tax liability is going down. Accenture, this is a company which has set up an elaborate corporate structure ranging from Bermuda to Luxembourg to Switzerland so

that they can shift income overseas and reduce their overall U.S. tax burden.

What is the result? Good corporate citizens loyal to the United States, companies that live up to their responsibilities like the two who were underbid in this contract, they are put at a competitive disadvantage. These are other bidders, and it has been said that we would not be able to move quickly. There were two other bidders in this effort. We can move quickly on getting this task done.

Stanley Works is a Connecticut company, which considered incorporated in Bermuda, reconsidered, and they have said: Not only are we disadvantaged against our foreign competitors, but two of our major U.S. competitors have a significant advantage over Stanley Works because they are already incorporated in Bermuda.

Our Tax Code should not reward companies for moving overseas. It should reward them for staying here, for contributing to our economy, for creating good jobs. And by giving lucrative government contracts to companies setting up a post office box in Bermuda, Mr. Chairman, we are making matters worse.

The fact is we are in a time of war. We have troops serving overseas. They are in harm's way every single day to protect this great country. We are struggling to fully equip, as this bill points out, our first responders, ensure the safety of our ports and our air transit. We simply cannot afford to reward companies that accept the benefits of American citizenship without living up to their responsibilities. We are talking about $5 billion in revenues. Such behavior is wrong. It offends our values as Americans.

Very quickly, I might add, some will say that we are going to be wound up in lawsuits if we do not go forward. Not true. It is untrue. All of the legal research has concluded that the government would have little liability beyond the $10 billion contract minimum even if that work has been performed. So do not let them get up and talk about spurious argument. The fact of the matter is this is a company that has gone offshore not to pay its taxes, and they are getting a $10 billion reward. We should level the playing field and help good corporate citizens.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The gentlewoman is entitled to her strong opinion but not her own facts. She notes that troops overseas need help. The reality is if her amendment passes, this will have to be recompeted and it will push back protecting our borders another 2 years.

A lot of companies invested money in this. Homeland Security invested money in going through these. This will have to start again. The bids of the losers in this particular case will be made public. Everyone will have a starting place. This pushes the outcome to protect our homeland 2 years. So this does not do anything to protect the homeland, number one.

Number two, Accenture, to my understanding, pays an effective tax rate for fiscal year 2004 of 34.8 percent. The two competitors in this pay, in their recent 10–K filings, 31.3 percent and 28 percent respectively.

I ask the gentlewoman where is the tax advantage if they are paying a higher percentage of their taxes? Does she know?

There is no tax advantage.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, what the gentleman from Virginia (Mr. TOM DAVIS) is saying is that they pay that effective tax rate on their profits. Right?

Mr. TOM DAVIS of Virginia. Yes.

Mr. DOGGETT. Mr. Chairman, so does the gentleman know how much of their income has been stripped out by their use of this foreign approach of setting up their corporation abroad? In other words, he is just talking about their tax rate on the little bit of income they leave here, not on the $100 million that they shifted out on which they pay practically nothing.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, obviously it is the usual subterfuge on this. As a primer, they pay taxes on profits. They do not pay taxes on their losses.

But we are talking here about an effective tax rate, not the tax rate itself, which of course would be equal for U.S. income.

All work performed on this contract is performed in the United States. They were awarded this contract and the experts, the career civil servants who looked at this, decided this was the best procurement to protect the homeland. What they would have us do, the author of this would say let us not take the best defense we can get for the homeland, let us take something else. Let us pay a little more, let us get a little bit less because we want to settle the score because the parent company of the U.S.-based company that won this procurement somehow should be punished, even though all the work will be performed in the United States. And Accenture LLP led the SMART Border Alliance, which represents 31 U.S. companies employing 330,000 people in 50 States. Again, the US-VISIT program led the source of selection process here and chose this as the most effective means, not just cost effective but technically effective means, to protect the homeland, and they want to throw that out the window and say we will take second best for some other reason.

The time to address this, frankly, was at the time of the procurement. Congress held hearings on this. We had an opportunity on this procurement before it was let to do something on that in the hearings.

As I noted before, they do not receive a competitive advantage on this. Accenture is not a corporate inversion. This was a global partnership and all of their U.S.-based work of course they pay taxes on in the United States.

The thing I worry about most, though, is retaliation. Right now in information technology we are running an $8 billion trade surplus. This jeopardizes that surplus by inviting retaliation from other countries in the globe where we currently maintain a trade surplus with retaliation against U.S. companies doing business in those different countries, and I think that would be a disaster for the U.S. economy, something that my district in Northern Virginia knows something about, being one of the leaders in this. I do not think we should reduce the safety and security of the U.S. to settle a political score in this particular case.

Why should U.S. taxpayers pay more money and take, in the opinion of the career civil servants, a secondary technical solution to protect our homeland?

I also want to note no jobs are being outsourced. All the work on this contract is being performed in the United States. Accenture I do not even believe has any employees in Bermuda. Every cent of taxes that is earned on this will be paid here. The CEO of Accenture lives in Texas. Their Chief Financial Officer lives in Texas. And the idea that somehow they are not employing Americans or these jobs are going offshore or any intimation of that is patently false.

Let us take a look at the procurement itself because I think it is important. It is creating a nationwide entry and exit tracking system for foreign nationals visiting the United States. This amendment delays that for 2 years. I do not think our homeland needs that. I do not think the security in this country needs that. I urge defeating the amendment.

Mr. LATHAM. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes and that the time be equally divided.

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

Mr. OBEY. Mr. Chairman, reserving the right to object, let me explain to the Members what is happening here.

We have been in negotiations about overall budget issues for the last day and a half trying to reach accommodation between both sides. Until agreement was reached or until it appeared that agreement would be reached, we have been unable to agree to any time limits. Now it appears there is some progress being made, and we would like to facilitate that by trying to take measures which would enable us to finish this bill today so that Members can go home before 10 o'clock tonight. So we checked to find out how many speakers were on each side, and I thought that with this 20 minutes on each side, there would be enough for every speaker who had indicated a desire to speak.

So the gentleman is making a good-faith effort to limit the timetable based on discussions that he has had with us. And unless someone has real heartburn about it, I would appreciate if the gentleman's motion would be agreed to.

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

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

Mr. LATHAM. Mr. Chairman, I think we could expedite, also, time limits. I think there is a paper that we are waiting for over here, and if we could expedite that, I think we can come to an agreement.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, it is clear that 20 minutes would be controlled by the gentlewoman from Connecticut (Ms. DELAURO) and 20 minutes by someone else on the other side.

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

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

Mr. LATHAM. Mr. Chairman, the gentleman from Virginia (Mr. TOM DAVIS), yes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Let me restate the unanimous consent request by the gentleman from Iowa (Mr. LATHAM). Forty minutes equally divided by a proponent and opponent, divided and controlled, and on this amendment the time will be controlled by the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Virginia (Mr. TOM DAVIS).

Is there objection to the request of the gentleman from Iowa?

Mr. DOGGETT. Mr. Chairman, reserving the right to object, and subject to my reservation, if I could just ask for clarification. This will be 20 minutes per side on this amendment. The gentleman does not envision any other amendments to the amendment being offered? Is that correct?

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

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

Mr. LATHAM. Mr. Chairman, this unanimous consent would say this amendment and all amendments thereto.

Mr. DOGGETT. Mr. Chairman, further reserving the right to object, does the gentleman anticipate any amendments to this amendment?

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

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

Mr. LATHAM. No, Mr. Chairman. We do not at this time anticipate any further amendments to this amendment.

Mr. DOGGETT. Mr. Chairman, would the gentleman be willing to modify his 20 minutes to a side then on this amendment, 20 minutes to a side? Because if someone were to come forward with an amendment to this amendment, I am confident it would require additional time on our part.

□ 1100

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Perhaps we could handle it by simply saying that if after the assurances of the gentleman that no additional amendment would be offered, if one is offered, there will be no further agreements on time limits today.

Mr. DOGGETT. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the request of the gentleman from Iowa (Mr. LATHAM) is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, we can handle this quicker than 20 minutes. Just accept the amendment. Just do a unanimous consent and accept this amendment, and we are out of here.

I cannot believe the discussion I have heard on homeland security funding. Anybody watching this debate would have to conclude that the integrity and the honor and what America stands for throughout the world and throughout history is all about money. That is all that matters. Nothing else matters.

We are talking about giving to a company that has renounced its U.S. citizenship a $10 billion contract and putting them in charge of border security. What a ridiculous idea. A foreign company in charge of our borders, rewarding a company that said, We don't want to be an American company anymore. That is not important to us. What is important to us is money. Give us more money.

This company has a great history of just being interested in money. They have demonstrated throughout the time that they have been in existence all they care about is money. Being an American is not important.

I think this absolutely desecrates the Declaration of Independence and those great men and women, or the great men that signed it, women would have if they had been allowed to, and especially that last sentence that says: "In support of this declaration, we mutually pledge to each other our lives, our fortunes and our sacred honor."

Is the security of this Nation and the future of this country not any more important to those that would vote against this amendment than to say it is about money? Throughout history this country has been willing to pay any price, we have been willing to sacrifice whatever we had, to keep this country great, to keep it strong, to do what was necessary to preserve freedom and liberty and the pursuit of happiness and opportunity for everybody.

Yet, you come to this floor, and I hope I would get to be there for those of you who will vote against this amendment, so you can explain to your children and grandchildren, Son, granddaughter, it is not about being an American, it is not in your heart, it is not about what you have to do to make this place what it is. It is about money. And we failed. We failed because we did not want anybody to have to sacrifice just a little bit. We made it possible for companies to put themselves together, move offshore and cheat good, honest, hard-working taxpayers, and take advantage of them.

How can you face those men and women that are going to come back from the Middle East and that put their lives on the line, and they are going to have to go to work and pay taxes? How are you going to face them when you say, Well, I thought it was a good idea to take care of this bunch of shysters that put this company together and went offshore and cheated you out of a few hundred million dollars. I think that is a great idea, and I wanted to support that.

If you want to support it, that is the thing for you to do. Stand up today and be counted. Say it is not about integrity, it is not about honor, it is not about that great spirit that lives in the hearts of all Americans. It is about money, and we are going to make sure that all of the rich people we can find, we are going to give them all the money they can get.

You are going to keep doing this, and you are going to destroy this great Nation. Anybody that could watch this debate can only conclude that the people that are in charge of this House care about only one thing, making their rich friends richer. And if you can vote for this, God help you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say this is about the best technology to defend the borders. I have a letter from the Chamber of Commerce of the United States made up of American companies in opposition to this amendment. I have a letter from the Professional Services Council made up of American companies in opposition to this amendment.

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

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in strong opposition to this amendment offered by the gentlewoman from Connecticut, as I did the other day in the committee.

Let me say, first of all, as the gentleman from Virginia has indicated, this is about a 2-year delay in awarding the contract. So when the gentleman from Arkansas asks how are you going

to explain to American soldiers coming back, I am going to tell them it is about their security, it is about getting a contract out there so we can get this program in place. It is about security, and that is what this issue is really about.

The gentleman also talked about honor and integrity. Yes, it is about honor and integrity. We happen to enter into lawful agreements with other countries, it is called the World Trade Organization, they are called trade agreements, and we are the biggest beneficiaries of the government procurement part of those agreements.

The United States has a huge trade surplus in the services sector thanks in part to U.S. firms winning government procurement overseeas.

What the gentlewoman is talking about on this amendment is cutting off our nose to spite ourselves, because, of course, there would be retaliation against U.S. firms and workers who export services overseas.

Is the gentlewoman suggesting that Daimler-Chrysler should not be allowed to bid on any contracts here in the United States? Similarly, should we not want to be able to bid on contracts for building an airport in Paris or in Tokyo or some other place? Of course we want to. We have to abide by our agreements, and you do not just do it by doing it this way.

Let me just say about the issue of Accenture itself, all this talk about the taxes here. Those charges are erroneous. The effective rate of taxation paid by Accenture is 34.8 percent. The other companies that bid on this pay much less taxes. In fact, Lockheed Martin paid 31.3 percent effective tax, and Computer Sciences Corporation, the other bidder on this, paid 28 percent. So this is a company paying its taxes in the United States on the business it does here in the United States.

That is what this really is all about. All the work is being done in this country; all the jobs are going to be here; and all the taxes are going to be paid on the business here.

This is one of those things that comes up on the floor every once in a while, where people want to feel good, beat their breast, go home to their constituents. But it is bad public policy, it is terrible public policy, it violates all of our agreements, it is bad policy; and we ought to defeat this bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, there are 330,000 American jobs in the contract that is currently being let to Accenture and its American corporate subsidiaries. But the other side would just delay those jobs at least 2 years and the creation of those jobs as they rebid this contract and recompete this contract and keep our borders less safe.

Mr. KOLBE. Mr. Chairman, reclaiming my time, the gentleman is correct, and that is why we should not delay that.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL), who has been battling on this issue for the last several years.

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

Mr. NEAL of Massachusetts. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, this last bizarre argument that was made that this amendment would somehow violate our world trade obligations, does the gentleman understand that argument to be that we are forced to outsource our national security and our homeland security to China or France, which are WTO members? That seemed to be the logical extension of this bizarre new argument.

Mr. NEAL of Massachusetts. Mr. Chairman, reclaiming my time, there are two things to remember: Bermuda is not part of the WTO; and, secondly, President Bush said he would never check with another country before deciding about American national security.

Mr. Chairman, I want to say something to the gentleman who spoke a moment ago about the ''beating on your chest'' about this issue. I have brought this issue up now in the Committee on Ways and Means consistently for 3 years. We cannot even get a vote on it. This is not an appropriations issue in the end; this is really a tax issue.

The gentleman from Virginia said a moment ago there are no employees from Accenture in Bermuda. That is the point. That is precisely the point. It is merely a post office box rented for $27,000. Does anybody believe that Tyco is a Bermuda-based company?

Why are we here today debating this issue? Joint Tax has said, and listen to this carefully, $5 billion would come to the American Treasury if we would simply send these folks their tax bill.

I want to ask Members of this body today this question as you vote: What would the IRS do to you next Monday if you renounced your citizenship and said you were really a citizen of Bermuda?

This is not an argument about patriotism. This is an argument about that woman on Wall Street who said, ''Maybe it is time that patriotism took a back seat to profits.'' Tell that to the moms and dads of 134,000 kids in Iraq, 20,000 kids in Afghanistan, troops committed to Haiti and Bosnia as well. And these people do not want to pay their corporate taxes? They are protected by these men and women, these soldiers who serve honorably and with distinction every day.

You know what this argument is about, because the American people know what this argument is about, it is about money. That is all it is about, money.

Then the argument becomes, well, let us give those who left, went to Bermuda, moved money to the Cayman Islands, and Luxembourg, let us give them a permanent advantage competitively over those who have chosen to stay, like Stanley Works in Connecticut, and ask them to compete in a bidding process where one side does not have to worry about corporate taxes.

This is indeed an argument about patriotism, and it is an argument about the fact that these companies do not have, and I repeat, do not have employees in Bermuda. They have instead a post office box. $27,000 is what it costs to open a post office box in Bermuda and avoid millions in U.S. taxes. It is indeed about money.

We ought to have the backbone here to stand up and say, once and for all, very simply, like the American people who send their sons and daughters off to war, either you are in or you are out. That is what this argument is about. It is not about the WTO and the bidding process. Bermuda is not in the WTO.

But I know this: when the sun sets on this argument today, the Committee on Ways and Means still will not take this issue up. And I would say this to the people that are on the other side on this issue, put this question in front of this body in an open, fair vote with an opportunity for all of us to express ourselves, and I will tell you what: I will eat the piece of paper it is on if we do not get 350 votes to end this practice. And you know it, and you stop it from coming to the floor time and again.

You can do something about this today with a small start and then do something about it permanently.

When I hear these folks say this is not about patriotism, tell that to the moms and dads of those kids who are over in Afghanistan and Iraq that these companies do not want to pay their corporate taxes to support them and give them the best equipment they need.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman has been very eloquent, but let me just say this to him: make it clear, this is not about the people of Bermuda, probably friends of ours, probably people who served with us, working very hard, working in the corporate structure. This is about homeland security.

I serve on the Subcommittee on Immigration. Let me tell you, we have the opportunity to delay this for 2 years, to rebid this for American companies that will create those same 330,000 jobs. I just want the gentleman, if he would, to accede to that point, that we can recreate these jobs by rebidding.

Mr. NEAL of Massachusetts. Mr. Chairman, reclaiming my time, there is no question. This is about the failure of Congress.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me correct a couple of statements made. First of all, this is not a company that ever left America. This is a global partnership at one point that as they looked at the new business model, they looked at a place globally in the partnership that had worked across the world.

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

Mr. TOM DAVIS of Virginia. I will yield on your time. Do you have the time, or are you just trying to interrupt me so I cannot get a stream of thought? You have ample opportunity to rebut me on the time allotted to you.

So they were never an American company, and this is not a corporate inversion under the current law, and the gentleman knows that, and the author of this amendment knows that.

Secondly, Bermuda is a British territory. Britain is a member of the World Trade Organization. To say they are not is fallacious, and I think we ought to at least keep this on a factual level. We have differing opinions, which I respect on this; but let us at least argue from the same basis of facts.

Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1115

Mr. BLUMENAUER. Mr. Chairman, I listened to my friends who are advancing this amendment, and there are a number of things that I agree with them on. I would be happy to have a debate on this floor about corporate inversion and about tax policy. I am troubled by some of the outsourcing of our activities in this country. I think that there are a number of valid points that have been raised. I am concerned, though, about how we are mixing them.

First of all, this is not, as has been referenced, a Stanley Works; this is a spin-off. I have been following this for a number of years, because the gentleman that I started in the political process with some 30 years ago founded the Arthur Andersen office in Portland, Oregon. He has been a close friend. He has not been associated with Arthur Andersen for some 20 years, but we have had many discussions about the travail of that once great accounting firm.

Accenture is a result of a spin-off that was brewing between the consulting wing and the accounting wing, and this finally was formalized in 1987.

Accenture has never been a United States corporation, a United States partnership. Never, not once. I have had this conversation with my friend, I have exchanged documents, I have requested information from them, and I have yet to receive, and I will welcome clarification on my colleague's time, anything that suggests what we are saying is not true. Never a United States corporation, not a United States partnership, spun off 15 years ago. I will enter into the RECORD the Notes To Consolidated Financial Statements from Accenture, LTD, that talks about the amount of tax that this entity pays on United States income.

My friend, the gentleman from Arizona, pointed out the effective tax rate was actually higher than that of the competitors that were involved here. We are talking about almost a third of 1 million American jobs, including some in many of our districts. I am troubled that we mix apples and oranges here, that we are having a rhetorical flourish and driving home some important points and mixing it in the only vehicle that is available. I think my friends on the majority side actually invite this sort of debate because we so seldom have a chance to kick it around in an open and honest and direct way, but this is not the vehicle.

Let me give one example in my community where I had to push back with friends on both sides of the aisle. I have the most productive truck manufacturing company in the world, Freightliner, headquartered in Portland, Oregon. There were people who wanted to push back against the purchase of the finest trucks in the world for our troops in Iraq because the ownership of this company that has been headquartered in my community for 50 years, employing union machinists, union teamsters and painters, was purchased by Daimler-Benz, a German company, and the Germans were not our friends in Iraq for a while. Now the Germans are our friends, because people find out we need them. But there was an attempt to punish a foreign corporation by making it impossible for my employees in my district to be able to bid on a contract.

I would suggest the analogy is exactly the same. I pushed back to protect those jobs. I think we err if we mix apples and oranges and try and throw this contract out.

ACCENTURE LTD—NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

[In thousands of U.S. dollars except share and per share amounts or as otherwise disclose]

	2003	2002	2001
Current taxes:			
U.S. federal	$191,464	$98,193	$300,000
U.S. state and local	142,941	241,228	382,690
Non-U.S.	20,420	34,461	66,080
Total current tax expense	322,971	358,055	330,590
	486,332	633,744	779,360
Deferred taxes:			
U.S. federal	48,523	(143,035)	(85,520)
U.S. state and local	6,932	(20,434)	(19,612)
Non-U.S.	24,312	20,796	(171,612)
Total deferred tax expense (benefit)	79,767	(142,673)	(276,744)
Total	566,099	491,071	502,616

Deferred income tax expenses (benefits) related to the additional minimum pension liability were ($71,920) in fiscal 2003 and were recorded in Accumulated other comprehensive income in the Consolidated Balance Sheet.

Income before taxes from U.S. sources was $566,896 and $247,271 in fiscal 2003 and fiscal 2002, respectively. Income before taxes from non-U.S. sources was $1,045,921 and $820,287 in fiscal 2003 and fiscal 2002, respectively.

A reconciliation of the U.S. federal statutory income tax rate to Accenture's effective income tax rate is set forth below:

[In percent]

	2003	2002	2001
U.S. federal statutory income tax rate	35.0	35.0	35.0
U.S. state and local taxes, net	1.6	1.2	1.0
Non-deductible investment losses		11.7	0.2
Non-U.S. operations	(2.0)	0.4	1.6
Rate benefit for partnership period			(49.0)
Revaluation of deferred tax liabilities [1]			13.6
Cost of transition to a corporate structure			59.6
Other	0.5	(2.3)	1.2
Effective income tax rate	35.1	46.0	63.2

[1] The revaluation of deferred tax liabilities upon change in tax status is a deferred tax expense recognized upon Accenture's change in tax status from partnership to corporate form.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, before I begin, I just want to say I am perplexed by the notion that we should leave this contract in place because Accenture will hire Americans to do the work. My assumption is that the two American companies who stay here and pay taxes would do the very same.

I thank the gentlewoman from Connecticut (Ms. DELAURO) for offering this amendment to stop this $10 billion government contract to Accenture. I do not have to explain to anybody in this room why this practice that we have here I think makes no sense at all. A lot of the American companies have decided to evade their Federal tax responsibilities. If you follow this debate, maybe they should all go. It seems it is trying to give us some idea that that is better for us.

But adding insult to injury, this Federal Government turns around and gives billions of dollars worth of contracts to those very companies who will not pay their share.

Corporate expatriates, as my colleagues know, cost us the $5 billion. And when they got this contract, as a member of the Committee on Homeland Security, I was both outraged and flabbergasted to learn that they were going to be responsible for launching the US-VISIT program at our 50 busiest land borders. One of them is just outside my district, in Buffalo, the Peace Bridge.

What do you think my constituents said to me when they learned the company responsible for securing the border, a company funded by their tax dollars, does not pay taxes itself? That the very company that was going to have the important responsibility of tracking foreign visitors is in itself a foreign visitor?

Not only is the contract an insult, it flew in the face of congressional intent. In July of 2002, the House passed an amendment sponsored by the gentlewoman from Connecticut (Ms. DELAURO) to prohibit the Department from awarding contracts to corporate expatriates. Unfortunately, it could not block the companies already moving to Bermuda, but we have been trying to close those loopholes.

Last year, I offered an amendment to Project BioShield that would have barred expatriate corporations from receiving $5 billion worth of contracts with the Department of Homeland Security, but it was voted down along party lines. But this week we achieve a partial victory.

The House Committee on Rules of which I am a member granted protection to part of the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) that would close the loopholes in homeland security contracting ban, and the amendment easily passed the Committee on Appropriations.

As a long-time member of the Committee on Rules, I can tell my colleagues that is no small feat. As many of us joke, we should probably put a sign above the door to the Committee on Rules room like that hung above the gates of hell in ''Dante's Inferno'' that says, ''All hope abandon, ye who enter here!''

It is no secret that the Committee on Rules is used by the Republicans to kill amendments before they can reach the floor for debate and to substantially restrict debate on legislation having a vast impact on this public.

But 2 days ago a miracle occurred, and we were able to protect the loophole provision on the Delauro-Berry amendment, but this fight is not over.

It does not make any sense, and America knows it. What in the world are we doing here? We are reading every day of the giveaway contract, the no-bid contract to Halliburton that is causing us so much harm and delivering no goods in Iraq, and then we sit here in this Congress and protect the giving of a contract to a corporation that has refused to pay its American taxes. Will my colleagues think about that? They bid against two companies staying here, good corporate American citizens who are at a disadvantage because the company who got the contract does not have to pay those taxes.

It is an outrage, and I think that today we will show that this House of Representatives believes that it is an outrage. I agree with what my colleagues said before: if this bill would ever be allowed by the Committee on Rules to come here for a full debate and vote, we would really show America that most people in this Congress do not like what the leadership is foisting on us.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Chairman, I agree in principle with my good friends on the other side of this issue. I agree with my good friend, the gentlewoman from Connecticut (Ms. DELAURO), that it was wrong what Stanley Works did to leave Connecticut, to save some tax money, and to relocate their corporate headquarters in Bermuda, and move much of its production operations overseas. I agree that we ought to amend the Tax Code to punish firms that deliberately relocate to take advantage of foreign tax shelters.

But while I agree in principle with what is driving this discussion, I think we all understand that while we are entitled to our own opinions, we are not entitled to our own set of facts. And I would say to my friends on the other side, it is the facts that get in the way of this debate.

The facts are that Accenture is not a corporate inversion. The General Accounting Office said that. In fact, Accenture is a U.S. business. It is a partnership in Illinois; it employs more than 25,000 people, virtually all of them are Americans. The fact is that this is an American team of companies that we are talking about. It is a good team of major American firms, firms like Raytheon, Dell, AT&T, Sprint. Mr. Chairman, 330,000 U.S. jobs are involved in this team, 35,000 in Texas, 30,000 in California, 16,000 in Virginia, 14,000 in Florida, 13,000 in Massachusetts, I would tell my very good friend from Massachusetts. These are American jobs, and all of the work is going to be done in the United States. All of the profit is going to be subject to Federal income taxes. Thirty-eight percent is going to go to small businesses. The same kind of small businesses that we have been trying to help.

Mr. Chairman, all we are talking about is the executive branch trying to do what we required them to do. We required them by law to go ahead and to find a way to secure the 50 largest border entries by the end of this year, and to secure the ports by the end of next year. And they found that there were three of the very best teams who could accomplish this objective by being willing to hire the best American employees and invest millions of dollars to do it right.

Lockheed and CSC are terrific teams. They are not complaining about this, because they know it was completely legitimate, this competitive bidding process. They are not complaining because they know they lost fair and square. The reason why this team won is because they had the ability to best match what the Congress required them to do. They spent millions, they pulled together the best technical people, and they came up with the most innovative concept, the best price, the best quality, the best likelihood of performance in meeting the Congress' requirements. That is why they got the contract. Steve Pearlstein of the Washington Post described how they legitimately won this contract.

Now, imagine the precedent. DHS awarded this contract completely legitimately, the Congress comes in and says, oh, wait a minute, we are going to pull it back. We are not going to let them get this contract. Obviously we are going to get sued. Obviously it is going to take months in the courts. Obviously, we cannot have a fair bidding process now because the other two competitors now know exactly what the Federal Government was looking for, they know exactly what the cost structure needs to be, they know exactly all the innovative concepts that the company put together.

The fact is, this is good for the United States and its workforce. These are American firms. Now, sure, we live in a global environment, but this is an American business. They are doing good work. If we set this precedent, it will come back to haunt us for generations.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment.

We have had facts put out by my friend from Virginia, both of my friends from Virginia and others, and I would like to take a moment to look philosophically at this. Building on what the gentleman from Virginia (Mr. MORAN) just said, this really is about the cause of freedom and ensuring that we have access to the best quality product at the lowest possible price. We just this week passed the American Jobs Creation Act. One of the reasons I was so proud of that measure is that rather than constantly pointing the finger outward, it led us to look at ourselves. What is it that encourages the flow of capital and products and services across borders?

The fact of the matter is, we in the United States of America have a tax and a regulatory burden which creates great challenges. I believe that we need to realize that as Americans. The patriotic thing to do, I would say to my friend from Massachusetts (Mr. NEAL), the patriotic thing that we should do is to continue to do everything that we can to encourage greater freedom. That is why this measure which counters, counters completely a decision that was made, hurts the United States of America, hurts the cause of our homeland security by, in fact, saying to the American taxpayer, you cannot have access to the best possible quality at the lowest possible price.

□ 1130

I urge a ''no'' vote on the DeLauro amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to this amendment, and I want to once again restate some of the facts because I think there has been a lot of false allegations here.

Accenture is a U.S.-based partnership. Accenture was never an inversion corporation that moved from the U.S. to offshore. Accenture will be paying taxes on all the income that is going to be generated by this contract. And, in fact, if you look at recent history at the tax rate, the Federal tax rate that Accenture has paid in the past few years has been greater than that of the other competitors on this. Accenture is a U.S. partnership that employs 25,000 U.S. employees. All those employees that are going to be benefiting in this contract with a team and a partnership that will comprise 330,000 U.S. workers will be paying U.S. income taxes.

I am very concerned about the precedent we will be setting if we adopt an amendment that is being offered today that a company has to be solely incorporated in the United States in order to compete for a government contract. If we adopt that standard and that standard was adopted by the European countries of Germany and France or Japan or China, we would be saying to the workers of IBM in the United States, the workers of Boeing, the workers of Cisco, the workers in Microsoft that you cannot compete for a contract that is being offered by the governments of Japan, Germany, France, Italy, Great Britain. That would be an injustice, and it would ensure that we would be adopting a policy emulated by those other countries which would hurt U.S. companies and would hurt U.S. workers.

This is a precedent that could cause great harm to this country, and I hope we reject it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, this is a debate on the provision of the Department of Homeland Security. That is what we are supposed to be talking about here, the security of the Nation.

The tax obligations of this company are really irrelevant to whether or not this contract provides for the United States of America some greater degree of security. No one has argued, in fact, that it does not. No one has argued that it is not the best company, Accenture in this case, to provide the service we need and the technology behind it. No one has denied the fact that if we do not do this, if we change the rules at this point in time, that in fact now we will have to go back to the drawing board. It will be another couple of years before we can help secure the borders now, the U.S. VISIT program, and implement it.

So because this is a national security issue debated in the homeland security bill, I urge that this amendment be defeated.

Mr. TOM DAVIS of Virginia. Mr. Chairman, although I am defending the committee's position in this particular case, my understanding is I do not have the right to close because I am not a member of the committee.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentlewoman from Connecticut (Ms. DELAURO), because she is a member of committee, has the right to close.

Mr. TOM DAVIS of Virginia. Mr. Chairman, does the gentlewoman have any additional speakers?

Ms. DELAURO. Mr. Chairman, I have one additional speaker to close.

Mr. TOM DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think this amendment is unfortunate. First of all, you are picking on only one homeland security contract where there are literally dozens, more than that, that go to companies that are foreign based. They have singled out one. Perhaps there is a bidder in their State that did not get it. But retaliation on Federal contracting is really not a good thing to be doing on the House floor.

Secondly, we need to be aware that this will cost the government additional money in termination costs, and they are likely to go through this, and delay implementation of this procurement for up to 2 years which means that securing our border and getting the U.S. VISIT program up and running will be delayed. This is a homeland security bill. This is an anti-homeland security amendment in that case.

It is important, once again, to note that the winner of the contract is an American corporation, but their parent is a global company that has a headquarters in Bermuda. They were a global partnership prior to doing that. Although the majority of their stock, I understand, is American-owned, certainly the bulk of their employees are here. But they are global in nature as are so many companies in a changing global economic world, a fact of the matter that some of my colleagues do not want to face up to.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, may I ask the gentleman, he was a counsel to a contractor at one point in his life. Can he imagine how we would ever rebid this to either of the other two bidders now that they know all of the specifications that the government was looking for?

Mr. TOM DAVIS of Virginia. Well, this throws the procurement basically up in the air and out the window and delays it, I think, at a minimum a couple of years. Worst of all, we know under this contract, Texas gets 35,000 jobs. Those jobs, if this amendment becomes law, are out the window. They may get some back. They may not get any back. We know, for example, in Massachusetts 13,000 jobs come under this. Those jobs are out the windows if this is it. Maybe they will get it under some other bidding, but there is no assurance of that at all.

We know for example in Florida, 14,000 jobs; California, 30,000 jobs; Illinois, 11,000; Arizona, 12,000, on and on; 330,000 jobs at a time when people profess to want job creation. Basically what they are saying is let us put these jobs off 2 years because we do not like the headquarters where the parent company that is putting this together of the winning company, which is an American company, lives. Even though all of the jobs will be performed in the United States, appropriate security clearances will be cleared by American citizens to perform this work.

I would note once again, there are literally dozens, if not hundreds, of

companies around the globe that are doing business with the Defense Department, Department of Homeland Security, that are foreign based. If we cut this off, we are indeed, as one speaker noted, cutting off our nose to spite our face. Because, after all, this is a global economy; and after all, in this particular area we are running an $8 billion trade surplus, trade surplus. And what the proponents of this amendment would do is say, we do not care about a trade surplus in this particular area. We want to settle some other scores. We do not like the global economy. We want to use American dollars only to compete with American companies, only to use American companies even if it may be an inferior technology, even if it may cost taxpayers more.

That is what they are saying, and it is very poor precedent, in my opinion, for protecting the homeland.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. If, for example, this amendment passed, can the gentleman see any legal way that you can turn around and award the bid to either of the other two competitor companies?

Mr. TOM DAVIS of Virginia. It clearly has to be recompeted, and we will be wrought with protests.

I urge that this amendment be soundly defeated and we send the signal here that we want to protect the homeland first. This is a homeland security bill. It ought to stay that way.

Ms. DELAURO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has 6½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. NEAL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Chairman, the gentleman from Virginia (Mr. MORAN) was the mayor of Alexandria, Virginia. Did the gentleman ever void a contract that had been competitively bid?

Mr. MORAN of Virginia. Not after it was competitively bid when all of the factors were legitimately considered.

Mr. NEAL of Massachusetts. How about when they were not all legitimately considered?

Mr. MORAN of Virginia. There is no question that it was not legitimate. This was a legal bid.

Mr. NEAL of Massachusetts. Across this country every day mayors void contracts.

Mr. DOGGETT. Reclaiming my time, Mr. Chairman, the indifference of the Administration to the outsourcing of American jobs is well known to the American people. But now as incredible as it will seem to most Americans, the Administration and House Republican leadership are intent on actually outsourcing our national security. A foreign-controlled corporation has received a $10 billion contract, billion with a ''B'', to implement a major element of the Administration's border security initiative. And that is what this debate is about.

As usual, the House Republican leadership has this week blessed this outsourcing of our national security, even though this action is directly in defiance of the will of a strong bipartisan majority of this House. With Accenture, the accent is on tax dodging; and with this Republican leadership, since the first time we offered an amendment to deal with this, the accent has been on protecting and enabling abusive corporate tax dodgers.

Now, the Republican leadership wants to reward those like Accenture. It wants to reward those who flee America to fleece America. Not only saying, do not worry about paying your fair share of taxes, but it is okay to come and get your competitors' share of taxes too. The money hardworking people pay in to the Treasury, their money is going to be taken and given to a corporation that has fled America.

What makes this Republican leadership's actions particularly shameful is their refusal to hold the wealthy tax-dodging few accountable while others sacrifice so very much, sometimes everything that they have.

We know about the young American men and women around the globe who are dying for America. We know of the billions of dollars that American taxpayers must expend when this Administration calls on Americans to do most all the paying for its adventures around the world. The sacrifice that our military is making is measured in blood and the sacrifice of the middle-class taxpayers is measured in dollars. But some corporations have decided that they do not have to pay their fair share of our security.

Through this amendment we now can demand that they pay their fair share. This is a fair-share amendment. When this measure came up under the leadership of the gentlewoman from Connecticut (Ms. DELAURO) in July of 2002, 318 Members of this House voted to impose the same restrictions that we are asking for today. And Accenture began hiring lobbyists right and left to weaken that amendment. So the gentlewoman from Connecticut (Ms. DELAURO) came back with a bipartisan majority 35 to 17 in the Committee on Appropriations to approve this restriction.

Then the Committee on Rules, recognizing that it was violating the will of the House, has approved language in this bill that says Accenture, despite all these wonderful arguments we have heard this morning, is not going to get any more contracts. We are just going to give it a $10 billion contract. We are going to give it the big pie it has already been rewarded, but it will just not get any crumbs down the way. This is an admission that there is strong merit to the arguments in favor of the gentlewoman's amendment.

Let us go through one by one the arguments that have been advanced. It is difficult to do that because they can talk about getting their facts straight, then not get their argument straight. One of those who opposes this amendment has been at this podium declaring that Accenture has never been a U.S. company, followed by another speaker who insists that Accenture is a U.S. company with jobs all over America.

Well, on that I have to yield to Accenture. If you turn to their Web site, you will see that they declare they have never been a U.S. company. The Department of Homeland Security has outsourced this contract to a foreign company. But what of the argument that they did not leave America after they formed here? No, the answer is they got there first and they have set an example for other corporations about incorporating abroad. Indeed, this month's issues of Corporate Executive Magazine has an ad from Accenture: ''To accomplish more, sometimes you need to receive less.''

And, in fact, in their case, pay less in taxes. And they offer advice on, among other things, outsourcing jobs.

What of the argument that Accenture pays its taxes, everything that is legally due? They claim that they pay a higher tax rate than their American competitors. Well, I guess it all depends on whether you are paying taxes on all your income or part of your income because you are able to send some of your income abroad. Indeed, the name Accenture will be new to many people because it is a new name. The name Accenture did not exist a few years ago. The name Accenture, strangely enough, is owned by a foreign corporation and the U.S. company pays hefty royalties to this foreign company to use that name in the U.S. What Accenture has done is to strip its U.S. earnings out of the country so that it can say, we pay taxes on our earnings more than our competitors. We just do not pay U.S. taxes on about $200 million of our other earnings.

Let me just say that it used to be that, if you cleaned out a bank vault, you would be put on the government's ''most wanted'' list and imprisoned. But under this Administration, when you drain the Federal Treasury by dodging taxes, you are placed on a ''most wanted'' list for government contractors.

This is wrong. The American people know it is wrong. It is indefensible, and there is no good argument in favor of doing this. Vote for the DeLauro amendment.

Ms. HARMAN. Mr. Chairman, I rise to explain my "no" vote on the amendment offered by Ms. DELAURO. I support the principle embodied in the amendment: to deny the benefit of large government contracts to U.S. companies that purposefully locate offshore to avoid U.S. taxes.

But in this case, Accenture did not do this. Accenture is a combination of foreign and U.S. companies and claims it chose Bermuda, in 2001, as a neutral location.

The USVISIT contract is with the U.S. subsidiaries of Accenture, and with many other U.S.-located companies, all of whom employ Americans and pay U.S. taxes. We should not interfere with it and disrupt this important program.

□ 1145

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time having expired, the question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 1 OFFERED BY MS. ROYBAL-ALLARD

Ms. ROYBAL-ALLARD. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. ROYBAL-ALLARD:

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

SEC. ____. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

Ms. ROYBAL-ALLARD. Mr. Chairman, let me begin by thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for their hard work on this very important bill.

Mr. Chairman, my amendment would prohibit the Citizenship and Immigration Service under the Department of Homeland Security from needlessly and dangerously contracting out work that is inherently governmental in nature and essential to maintaining our national security. This work is performed by immigration information officers, contact representatives and investigative assistants who are well-trained to understand our country's complex immigration laws and regulations. In the course of performing their duties, they often use highly classified information to prevent immigration fraud and ensure terrorists do not exploit our immigration laws.

The Office of Management and Budget, OMB, will argue that privatizing immigration officers will save taxpayers and the Federal Government money. The General Accounting Office, however, has challenged OMB's estimated savings derived from privatization. The Comptroller General recently stated that GAO cannot verify OMB's claims because government agencies do not have accounting systems to provide reliable tracking of costs and savings, but even if savings could be realized, the fact remains that the bottom line should never take precedent over our national security.

We need to have reliable, well-trained and experienced immigration personnel, employees who are directly accountable to the Department of Homeland Security and not motivated by production quotas set by profit-oriented contract employers with an historically high rate of turnover.

Of greater concern, however, is the Department of Homeland Security's inability to protect sensitive information and maintain quality control of contract workers. This danger is highlighted in a July 2003 GAO report that found that the Immigration Service did not have the basic infrastructure, including the oversight information and workforce, to ensure that its contracting activities were effective.

Furthermore, in a December 2003 report and in a March 2004 follow-up report, the Inspector General of the Department of Homeland Security listed contracting procedures as a major management challenge for the Department.

Of equal concern is information in memos from the Department of Homeland Security that I received from Senator LIEBERMAN's office. These memos contain evidence that Immigration Service management tried for months to discourage Homeland Security leadership from implementing the privatization review.

Let me quote two passages from a document prepared by consultants from Grant Thornton and PEC Solutions for Immigration Service officials. The first passage reads, ''Accomplishing the A–76 study under present scope will not achieve the A–76 program's overarching operational efficiency objectives, and also will not address the current extensive customer service problems.''

The second passage reads, ''Moving forward with an A–76 competition based on business processes limits the agency's ability to implement substantial organizational and operational improvements.''

Clearly, Mr. Chairman, contracting out of immigration provisions has every potential of endangering our country's ability to meet our goals of having a Department of Homeland Security that is well-armed to protect our country from those who would do it harm.

In closing, Mr. Chairman, my amendment does not attempt to address the overall issue of contracting out Federal jobs. My amendment is narrowly drafted to ensure that the work of immigration officers, which is inherently governmental in nature and critical to our national security, continues to remain the responsibility of trained and experienced Federal employees directly accountable to the Department of Homeland Security and not to the bottom line of a private company.

I urge my colleagues to support this very important national security amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment. I agree with the gentlewoman from California, who by the way is a very hardworking member of our subcommittee and a very valued member. I agree with her that CIS should meet the highest standards in evaluating petitions for naturalization or immigration benefits, but I do not believe her proposal is justified.

CIS is in the midst of a critical effort to reduce its very large case backlog, while ensuring that it screens applicants for the privilege of living here or acquiring citizenship. Our bill demands a high degree of accountability from this agency, and we will exercise significant oversight into how it achieves the elimination of its backlog.

In the meantime, I believe that the Department deserves some latitude to explore new ways of getting this job done and the backlog reduced, to include privatizing some functions that may be just as easily performed outside of the government, and allows the agency to concentrate internally on its core government functions.

The argument that the positions up for competition are ''governmental'' begs the question: Immigrants need information and help getting through this system, but such service is not inherently governmental; and, two, the requirement to have specialized subject matter expertise also does not uniquely limit the work to government officials.

So I think the amendment is not necessary. I believe the Department should have some leeway in getting this backlog reduced, and so I, therefore, ask my colleagues to support us in rejecting this amendment.

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

(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 offered by my friend from California. One of the most important functions of any sovereign nation is determining who can enter the country and who cannot.

In our country we balance many important values in making this decision. We have always been an open society that has been enriched by new citizens, by visitors and by those who come here to contribute to the great dynamism of the American economy.

At the same time, we cannot be a country that has a welcome mat out

for everyone in the world because it would suffocate the very dynamism of that economy. There obviously are security concerns. Most people in the world are very welcome in America because they are people who love peace and contribute. There are a few who are most definitely not welcome in America because they are security risks.

Just as our country has to sort this problem out every day, on individual cases this problem must be sorted out every day. The people who begin the process of sorting this balance out are immigration information officers. I can think of no more public function, no more core public function than exercising the constitutional responsibility of controlling our borders, and the idea that this function would be delegated to someone who works for a for-profit firm strikes me as well beyond the realm of reason.

When someone presents his or her papers to begin the process of getting into the country, all kinds of questions have to be asked. Are the papers true or fraudulent? This is what these officers deal with every day. Are the intentions of the person trying to enter the country munificent or harmful? This is a judgment that these officers have to make every day.

The information people present to gain access to the country is very often private and important only to them, and respecting the privacy of the person who tries to get into the country is an important value that has to be protected every day.

If questions arise about the veracity of someone's application, the officer needs to go to law enforcement or to intelligence agencies to figure out whether the person is whom he or she says they are. Are these functions we want performed by someone who is hired out?

Can we exercise the degree of accountability for control of our borders that we need to exercise if the people who are exercising these functions are here this year but may not be here next year when a new contract is let? Can we be sure that the training that is necessary to balance these many competing concerns is going to be adequately given to officers who are not sworn employees of the United States? I do not think so.

I understand the debate on privatization is over whether something is a core government function or not. I can scarcely think of a function that is more an example of a core governmental function than controlling access to our borders. Frankly, if controlling access to our borders is not a core governmental function, then running the Navy is not a core governmental function or conducting foreign intelligence is not a core governmental function or perhaps we should privatize diplomats, and instead of having ambassadors appointed by the President we should hire diplomatic arbitration services because it seems to me to be equally the case that it is a core governmental function.

One could argue all one wants about efficiency, but there is a higher value here than efficiency, and that value is accountability in the discharge of our constitutional function in controlling our borders. This is not an area where the managers of the Department should have discretion because this is a clear case.

The constitutional responsibility of controlling our borders is a pure public function, and it should be carried out by sworn employees who are men and women who are responsible to the public voters, responsible to this Congress and responsible for the future discharge of their responsibilities.

So I thank my friend from California for offering her amendment. I think it is an excellent idea. I would urge Members from both sides to enthusiastically support the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, in the interest of attempting to save time and to get us out of here today on this bill, I want to engage my ranking member and ask his and others unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes, the time to be equally divided between myself and the gentleman from Minnesota (Mr. SABO).

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

Mr. KUCINICH. Mr. Chairman, reserving the right to object.

Mr. SABO. Mr. Chairman, I have no problem with that, with the exception that the time on our side should be controlled by the gentlewoman from California (Ms. ROYBAL-ALLARD), who is authoring the amendment.

Mr. ROGERS of Kentucky. I so amend my request.

The CHAIRMAN pro tempore. If the gentlemen will suspend, the gentleman from Ohio (Mr. KUCINICH) raised a point of objection and needs to be heard on his reserving his right to object.

Mr. KUCINICH. Mr. Chairman, reserving the right to object, it seems that there are a number of people on our side here who are prepared to speak to this, and I think that before we agree to a unanimous consent, it would be good to poll to see how many Members we have so we are not going to be denied an opportunity to present our concerns about this and our support for this amendment.

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

Mr. KUCINICH. I yield to the gentleman from Minnesota.

Mr. SABO. I think that has been done.

□ 1200

Mr. SABO. Mr. Chairman, we have a growing list of Members who want to give speeches, and I ask the gentleman to withdraw the request for 1 minute.

Mr. ROGERS of Kentucky. Mr. Chairman, I would point out there is a growing list of Members who want to get out of here tonight.

Mr. Chairman, I withdraw the unanimous consent request.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The unanimous consent request is withdrawn.

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

Mr. Chairman, I wish we could decipher our commitment to creating jobs from the important responsibility of homeland security. Whenever we see these two goals hitting up against each other, the idea of privatizing and creating jobs in America versus taking jobs away from the government, we would think that job creation has a truly bipartisan premise, but my good friends keep utilizing it in the wrong way.

Homeland security needs accountability. Homeland security clearly dictates, if you will, assuredness, preciseness and oversight. It is very difficult to ever see homeland security being privatized. In this instance many of these employees, although they are dealing with the benefits side of homeland security under the immigration benefits section, they often use highly classified information to prevent immigration fraud and to ensure that terrorists do not exploit the immigration laws.

More importantly, there are people who are standing in line, thousands of them for years, who count on Federal employees with the kind of interest and commitment and integrity to ensure that the process works. Yes, we have a backlog and in fact our committee, the Subcommittee on Immigration and Claims of the Committee on the Judiciary, just heard from the Director of the Bureau of Citizens and Immigration Services that in fact he is presenting the President's plan on decreasing that backlog.

There was nothing in that representation that would suggest that it could not be done without the employees present other than the fact that I raised the question that we might need more resources to add Federal employees who are under oath, who are hired under certain conditions to do the job. I cannot imagine that we would argue to privatize this very serious and very important task of the Department of Homeland Security. It does not make sense. For the Office of Management and Budget whose only responsibility is to crunch the numbers and find where they can allegedly save money and not make the good judgments what is responsible legislation, which is to provide secure employees to do secured work, the General Accounting Office could not even document that what OMB represents to be a saving would be true. The General Accounting Office challenged the OMB's estimated savings derived from privatization, and the Comptroller General recently stated that GAO cannot verify OMB's claims because government agencies do

not have those kinds of reliable accounting systems.

I say to the chairman and the ranking member, and I again cite them for their good work, there is no documentation that we can save work, but there is documentation that if we privatize this we have no oversight into the mishaps, confusion and the absolute inability to help us bring down the backlog, at least with adding the resources necessary to those Federal hires, those Federal employees, and I thank the gentlewoman for this excellent amendment, and for pinpointing a weak point, and that is privatization of important services utilized by the Department of Homeland Security.

I would argue vigorously in support of this amendment, but I caution my colleagues to realize that these are important and secure matters: One, on behalf of those who are standing in line to access legalization, which we want them to do; and two, indicating and securing the fact that no one can abuse the service; and lastly, I would say the oversight of this Congress would be undermined by privatizing this very important responsibility. I ask my colleagues to support the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, that the time be equally divided between myself and the gentlewoman from California (Ms. ROYBAL-ALLARD).

Mr. BERRY. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

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

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, could we not have agreement on the limitation? I think it is agreed to by the ranking member and all parties on the subcommittee of which the gentleman is a member. Could we not have a unanimous consent to limit the debate time?

Mr. BERRY. Mr. Chairman, with all due respect, I do not think there is anything more important than the debate we are having today. I think that those that have something more important to do, I think it is perfectly all right for them to go ahead and do it.

Mr. Chairman, we are having this debate. We are making decisions that are going to affect the future of this country. This is a very serious matter. We have gotten ourselves, this administration has gotten this country in a terrible mess, and one of the things they have done to cause this to happen is to outsource, to take jobs that belong, that should be done by the government and contract them to somebody else.

I am beginning to wonder if we are going to see a resolution on this floor that says all government functions will be contracted to Halliburton with a sole source contract agreement, and to ask this House to approve such a ridiculous thing.

We have a serious problem on our borders. It needs to be handled by serious people. We have gotten in trouble in Iraq because we have hired people to do what should have been a military function or a function of the government and turned it over to something else, to somebody that had no accountability, somebody that does not have to prove that they have done it right. We need to have this debate.

This administration just simply does not understand the difference in getting the job done for the American people and a good excuse when they fail. That is where we are right now. And the generations that come after us are going to have a terrible mess on their hands to deal with. It is all because we have not been responsible in seeing that the job got done, and it is time for this body to uphold its responsibility and hold these people that are running the government accountable. This amendment will make it possible for us to do that.

I urge the Members of this House to take this bill and what it means in this amendment very seriously. We know that when Americans are given the task that they will do the job and do it well. When we start contracting out these responsibilities of our agencies like this amendment prohibits, we do not have any way of knowing what is going to happen. We are going to just turn it out. My goodness alive, I cannot imagine what kind of ridiculous things might pop up after what we have already seen that this administration is willing to do. It is time for this body to exercise oversight that we are responsible for using.

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

Mr. Chairman, I am not going to take 5 minutes and I trust my colleagues are not going to either, but I do want to express my support for this amendment. It is a very important issue, a principle upon which I could not agree more with the author of the amendment because the functions that are going to be contracted out, if this amendment does not pass, are in fact inherently governmental.

We are talking about approximately 1,400 professionals, experienced people, who have to apply judgment. They need to determine whether law enforcement agencies need to be notified, they need to determine who should come into this country, who should be deported, who should be arrested. This is not something you want to contract out to private firms who may be very well intentioned, but the fact is that ultimately it is a profit incentive that motivates them to compete for this contract.

These are governmental jobs that need to continue to be governmental. If this goes through, it is like contracting out income tax collection. I cannot imagine many more jobs that could be more important that could not be more inherently governmental than this. If this amendment does not pass, it jeopardizes the safety and security of the American people; and certainly it is a slap in the face of the extraordinarily good, professional work that is done by the vast, vast majority of people working for the Customs and Immigration Services.

Please support the Roybal-Allard amendment, and let us do the right thing by a government that we have every reason to be proud of.

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

Mr. Chairman, I take this time to try to ask the indulgence of all Members on both sides. We had extended debate yesterday on the Interior bill, and we have a lot of amendments on this bill. We have been negotiating for 2 days trying to reach an overall understanding between the parties about how we will proceed on all of the remaining appropriation bills between now and August. We are trying to work out an arrangement which will allow those bills to proceed in an orderly civil manner with minimum of ying and yang, leaving full room for Members to offer whatever amendments they want to offer.

To facilitate that, we are trying to help move this bill along. We are getting calls from Members from both sides of the aisle every 10 to 15 minutes asking when they are going to be able to go home today. I do not want to shut off any Member. Every Member has a perfect right to address whatever issue concerns them, but I would ask if we do have offers of unanimous consent to reach time limits on some of these amendments, I would appreciate it if Members would talk to the gentleman from Minnesota (Mr. SABO) or the gentleman from Kentucky (Mr. ROGERS), depending on which party, to at least talk with us so we understand what your concerns are and Members understand what the committee is trying to do because we cannot do opposite things at the same time.

If we are to facilitate Members getting out of here today, we need to have reasonable limits on time. Nobody is trying to be arbitrary. The gentleman from Kentucky (Mr. ROGERS) has been most cooperative, as has been the gentleman from Minnesota (Mr. SABO). I would ask Members to please give us the benefit of the doubt. If we cannot reach reasonable time agreement, there is not a prayer that we will get out of here before 7 or 8 tonight. Knowing the way this place works, some of the very same people who object to time limits at 3:00 will be squawking at us at 7:00 because they have not been able to get out of here. I would ask Members to work with us. We are trying not to surprise people, and we would appreciate the same from other Members.

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

Mr. Chairman, I thank the gentlewoman from California (Ms. ROYBAL-ALLARD) for offering this amendment.

□ 1215

The amendment prevents the Department of Homeland Security Citizenship and Immigration Services from outsourcing work to contractors. The work performed by immigration information officers and their colleagues is not only a critical responsibility; it is a critical governmental responsibility.

Our Nation depends on CIS to review immigration applications in a timely and judicious manner. Our Nation depends on CIS to discern questionable applications and possible threats to our public safety. Our Nation depends on CIS to protect our immigration process and to be accountable.

In fact, the General Accounting Office has argued that INS does not currently have the infrastructure to contract its work out and still be able to ensure success. INS has such a tremendous backlog that full entitlements through citizenship are being denied to hundreds of thousands of people in this country today because of that backlog. Let us give the INS the resources they need to accomplish their tasks, as opposed to outsourcing their jobs.

This work is too important to our government, to the people of our Nation. It is too important to all of us to not be done well and not to be done properly.

Clearly, such a governmental responsibility must remain with the government. I urge an ''aye'' vote on this amendment.

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

Mr. Chairman, I rise in support of the amendment of the gentlewoman from California (Ms. ROYBAL-ALLARD). The Department of Homeland Security should be prevented from undertaking its privatization review of the investigation and adjudication of applications for immigration rights and benefits. It is simplistic to assume that privatization automatically leads to savings and efficiency. Sometimes it does not, and this case is one that clearly does not. Consider that.

The Department of Homeland Security, that part of the Department of Homeland Security which is formally known as the Immigration and Naturalization Service, does not keep track of its existing contractors, according to the General Accounting Office.

Specifically, GAO said the INS, which is now the Department of Homeland Security Citizenship and Immigration Services, does not have the basic infrastructure, including oversight, information and an acquisition workforce in place to ensure that its contracting activity is effective. INS has not consistently ensured that acquisition personnel are adequately trained to do their jobs, and this is from a GAO report less than a year ago.

Number two, independent parties report that the Department's recent contract for similar, but much simpler, work has had disastrous results. According to dozens of civil rights advocates, recent experience with the national customer service center offers another example of the negative impacts of contracting out immigration functions and the differences that result from using an outside contractor rather than a trained CIS employee. The contrast has been profound, and the resulting problems ranging from the frustrating and time-wasting, to truly damaging errors.

Before the June changeover, existing government personnel readily solved the majority of these problems. Operators who now answer the calls know nothing about the subject of the call and rarely provide assistance. So much for contracting out. These operators who work from scripts frequently cannot even identify which script they should be using and are rarely able to provide meaningful assistance. In fact, they often provide answers that convey a clear misunderstanding of the subject matter with which they are dealing.

Number three, the Department, according to internal documents, has failed to heed warnings from its own staff and consultants that this particular privatization review is ill advised, because it is poorly structured, unlikely to generate efficiencies, and inspired in order to meet a privatization quota that has been prohibited by Congress and repudiated by the administration.

I have some familiarity with an example of privatization through the A–76 process and would like to share it with my colleagues. During 2000, the Defense Finance and Accounting Service conducted an A–76 competition for its Military Retired and Annuitant Pay functions, most of which are performed in my district in Cleveland. A private contractor, ACS Government Solutions Group, was awarded the contract on the basis of a very small cost advantage, over $1.9 million over the entire 10-year contract period.

In March of 2003, the Inspector General of the Department of Defense reviewed this A–76 award. It determined that the award to a private contractor in 2001 was erroneous. According to the IG, an error committed by the private company hired by DFAS to prepare its in-house bid resulted in an erroneous high bid by the government. The error was compounded by the audit division of the DoD IG, which served as the independent review officer and which failed to discover the error. As a result, the higher bidder actually won the competition.

Now, in spite of these findings, DFAS has renewed its contract in each succeeding year with the higher bidder. Now, what is the lesson we should learn?

First, privatization does not necessarily equal efficiency. Second, privatization does not necessarily lead to savings in cost, and third, privatization wastes taxpayers' funds and degrades the performance of government work. Vote ''yes'' on the amendment of the gentlewoman from California (Ms. ROYBAL-ALLARD) and prevent a waste of taxpayer funds.

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

Mr. Chairman, I rise in support of the Roybal-Allard amendment to stop the privatization of immigration information officer positions. As the ranking member on the Select Committee on Homeland Security, I have serious concerns about the impact this privatization initiative will have on our Nation's security. Immigration information officers and contact representatives interview immigrants, they review their documents for fraudulent and illegal activities, and they perform criminal background checks.

In order to do their jobs, these employees must acquire a large body of information and knowledge about our ever-changing and incredibly complicated immigration laws. To abandon the years of accumulated expertise of this group of Federal employees places our Nation at risk. In the war on terror, there is no room for error.

At a time when we must be focusing on security at our borders, we should not create the turmoil that is inherent in competition for these security-related jobs. After September 11, this Congress determined that giving the critical task of securing passengers and their baggage at airports should not be awarded to the lowest bidder, and we federalized the TSA screening force. Why would we give an even more critical and complex task of reviewing whether a passenger may be a terrorist to the lowest bidder? I urge adoption of the amendment of the gentlewoman from California.

Mr. BEREUTER. Mr. Chairman, this Member wishes to express his support for the Roybal-Allard Amendment to prevent the A–76 privatization attempt of the Bureau of Citizenship and Immigration Services (BCIS) at the Department of Homeland Security (DHS).

The Department of Homeland Security mission statement reads as follows: "We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce."

The outsourcing of the positions of Immigration Information Officers (IIO), Contact Representatives (CR), and Investigative Assistants (IA) is harmful to the DHS mission because these jobs and their functions are inherently governmental and vital to national security. Any job that requires the officer's knowledge and application of U.S. immigration laws and regulations is inherently governmental and crucial in determining who is eligible for immigration benefits, as well as identifying potential terrorists and national security threats. Therefore, these jobs should not be offered to contract providers outside of the Federal Government.

One of my constituents recently wrote to this Member, voicing his opposition to the outsourcing plan. This constituent is an Investigative Assistant within the BCIS. He writes, "Given the current political climate of heightened security among all federal law enforcement agencies, any decision to outsource CIS positions would be detrimental to the country. It is imperative for Americans to have faith in our government's ability to protect our country. Having government workers doing a job of such significance gives the people of this nation the confidence and sense of security that is needed in these volatile times."

He is absolutely right, and this constituent certainly is not alone in his views. In the state of Nebraska, the jobs of 115 full-time employees within the BCIS are at risk. This number is only behind those projected statistics in California and New York. In this Member's district alone, 112 jobs are inappropriately at risk due to the A–76 proposal.

Now, this Member does not in concept or principle oppose A–76 privatization. Indeed, this Member has accepted the legitimacy of applying A–76 for various other Federal employment positions in his District. But obviously this process is badly flawed with suggested applications of this procedure in the kind of job positions addressed by the Amendment of the distinguished gentlewoman from California, Mrs. Roybal-Allard. Its application to described positions in DHS jeopardize national security and the proper accomplishments of the mission of the agency.

In closing, Mr. Chairman this Member encourages his colleagues to support this Amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentlewoman from California (Ms. ROYBAL-ALLARD).

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

Ms. ROYBAL-ALLARD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. ROYBAL-ALLARD) will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. RYUN of Kansas:

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

SEC. ____. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. RYUN of Kansas. Mr. Chairman, the oath of allegiance has served as the gateway to American citizenship for over 200 years. When immigrants speak its forceful words, they pledge their unfettered allegiance to America, to the Constitution, and to our laws. This important symbol of American citizenship is not specified by law, however; and it can be changed on the whim of a government agency. In fact, such a change has recently been attempted and would transform the absolute commitment to our Constitution into a conditional statement, thereby weakening our citizenship.

The proposed changes would eliminate certain forceful words and phrases, substantially weakening the charge to uphold and be faithful to the Constitution and the laws of the United States. Specifically, it eliminates the call to bear true faith and allegiance to the Constitution. In addition, the oath of allegiance currently calls on Americans to renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty while the proposed oath renounces allegiance only to foreign states.

We should continue to welcome legal immigrants into our country. Yet as we continue to fight the war on terror, we must maintain a forceful and uncompromising oath of allegiance. Many of our terror threats are not from organized geopolitical states, but rather from groups like al Qaeda led by the likes of Osama bin Laden. On March 11 in Madrid, we were reminded of the very real presence of organized, nonstate-sponsored terrorism aimed at the United States and our allies who are committed to eliminating global terrorism.

The threat of terror and the attempts to infiltrate American society have not passed, nor has the need for a strong renunciation against any foreign sovereignty. Now is not the time to water down the words of commitment necessary to becoming a citizen of the United States. That is why I am offering this amendment, which would restrict the U.S. Citizenship and Immigration Services from using funds to change the oath of allegiance.

Throughout our history, our Nation has been strengthened by immigrants who came here to pursue the American dream. Keeping the strong, meaningful text of the oath would remind all Americans that pursuing that dream also requires a full-time commitment to citizenship, a commitment not unlike what Thomas Paine once called the summer soldier and the sunshine patriot, that shrank from the service of his country in times of crisis. The oath should continue to support freedom, democracy, and our constitutional rights. I encourage my colleagues to vote for this amendment.

Mr. Chairman, I would ask the gentleman from Kentucky if he has any reservation about my amendment.

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

Mr. RYUN of Kansas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. If there are no further speakers on the amendment, I will agree to it. If there are further speakers, I will oppose it.

I think it is a wonderful amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TANCREDO

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

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

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

SEC. _____. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. SABO. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

Mr. ROGERS of Kentucky. Mr. Chairman, in the interest of time, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 24 minutes and that the time be equally divided between me and the gentleman from Minnesota (Mr. SABO).

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Chairman, the purpose of the amendment is to prevent the use of Federal funds by governments who adopt sanctuary policies. These are laws that prohibit State or local government entities or officials from sending to or receiving from the Bureau of Immigration and Customs Enforcement information regarding an individual's citizenship or immigration status.

I assume considering the fact that we have had this amendment on the floor before and I recall the kind of debate that we had, a great amount of that debate will center around the actual law that is on the books and not my amendment. I want to stress the fact that there is a law. It has been on the books for 10 years. It is section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. That law is there.

This amendment does not change the law, it does not repeal the law, it does not add anything to the law. That is the law that is on the books. It says States and local governments essentially cannot impede the flow of information to the Department and/or stop the flow from the Department.

The problem, of course, is that States and localities around the country, a relatively small number but nonetheless a growing number, are disregarding that provision of the law. They do not care. They are, in fact, adopting things that we consider to be certainly problematic and certainly fly in the face of the law. By enacting

these misguided and illegal sanctuary policies, a handful of local governments have put the rest of the country at risk.

□ 1230

In addition, the refusal of these governments to share information with Federal immigration authorities inevitably results in a local law enforcement arresting and then releasing criminal aliens who may then move on to commit other crimes in the country rather than being deported. The Washington Times, for example, reported in June of last year that in December there was a rape of a woman in New York, a particularly brutal rape and battery. Four of the five men charged in the case were illegal immigrants, and three had are prior convictions that, in keeping with Federal law, would have allowed their deportation had that information been originally provided to the Federal authorities.

As a result of the great amount of public clamor about this particular incident, the City of New York has, as I understand it, repealed that particular provision of their law so that that is what needs to happen, of course, I think, throughout the country.

In order to prevent these kinds of resolving-door injustices from occurring, we must create a financial disincentive for cities and States that choose to violate the law. Since September 11 Members of both sides of the aisle have bestowed the virtues of intergovernmental cooperation between State, local, and Federal law enforcement authorities to prevent future terrorist attacks. State and local governments should not be able to unilaterally prevent this kind of cooperation by disregarding the Federal law and jeopardizing antiterrorism efforts.

A message that continued subversion of Federal immigration law will not be tolerated must be sent loud and clear, and the prohibition on the expenditure of those funds will prevent this.

We have a very difficult time. The Federal Government has an enormously challenging responsibility in trying to both adopt and enforce immigration policy. It is made even more difficult, the problems are exacerbated a thousand times, when cities and localities and States around the Nation decide to enter into this arena and decide to begin adopting their own immigration policies. We cannot have hundreds of immigration policies developing throughout the country, State by State, city by city.

Once again, I reiterate, my amendment has nothing to do with the law that is presently on the books, and I know that there will be a lot of discussion about the law, and if someone wants to introduce legislation to repeal that law, that is of course their right to do so. But that is not what this is about. This is about essentially trying to provide some sort of disincentive for people who do violate that law.

POINT OF ORDER

Mr. SABO. Mr. Chairman, continuing to reserve a point of order against the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman is recognized.

Mr. SABO. Mr. Chairman, I am trying to find out whether I should pursue the point of order or not, and I get different interpretations of the gentleman's amendment and what it is intended to do. If it does not do much or anything, then I think the amendment is in order. On the other hand, the rules say we cannot legislate on an appropriation bill, and if it does something, then it seems to me it may not be in order.

Mr. ROGERS of Kentucky. Mr. Chairman, if I could speak on the point of order, as I read the amendment, it says no funds may be used to violate the law, and I am prepared to accept that.

Mr. SABO. Mr. Chairman, so the gentleman's judgment is the amendment does not do anything?

Mr. ROGERS of Kentucky. Mr. Chairman, it says Federal funds cannot be used to violate the law. I agree with that. Does the gentleman not?

Mr. SABO. Mr. Chairman, I know we have Members' concerned and who want to discuss this issue. But the amendment has left me confused. But I do recall a year ago I was confused by an amendment and after some discussion, the House voted the amendment down. And so I am still trying to sort out if it does something or does not do something.

Mr. ROGERS of Kentucky. Mr. Chairman, that amendment last year was altogether different. As I read this amendment, it is fairly simple. It has been modified, obviously, and now just says no funds may be used in contravention of section 642(a) of the Act, and I find it to be innocuous, frankly.

Mr. SABO. Mr. Chairman, would the gentleman from Colorado agree?

Mr. TANCREDO. Mr. Chairman, I would agree with the gentleman from Kentucky's (Chairman ROGERS) definition of an analysis of this amendment.

Mr. SABO. Mr. Chairman, I withdraw my reservation of a point of order and reserve my time.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, as the late Ronald Reagan said, here we go again. The gentleman from Colorado (Mr. TANCREDO) offered this ill-conceived amendment last year, and it was soundly defeated by a vote of 322 to 102 with all Democrats who voted voting against and a majority of the Republican conference also voting against.

And if I were to listen to the gentleman from Colorado (Mr. TANCREDO), he says, well, this does not really do anything to the law. Then why do we need it? The reality is the words may be modified, but the purpose is the same.

Number one, this says none of the funds, no funds, will go to any municipality, any State entity, any governmental entity for any homeland security purpose if they have chosen in a totally legitimate way not to violate the privacy laws, not to give information about someone's citizenship, like mine, or anyone else's, because that is the way the gentleman's amendment originally read. He just scratched it out. And that is in essence what he is seeking to do, and it is in essence what it does.

We all know the gentleman from Colorado's (Mr. TANCREDO) stated intention. He wants all of us who look a certain way, who have certain names and speak a certain way to have Big Brother filter us out.

Secondly, this is a coercive action against any State, municipality, or other entity to say to that State, municipality, or other entity they must do a series of things, including giving information on a person's citizenship status, like my citizenship, which I was born in this country, to the INS.

So much for State rights. So much for the local municipalities know best. So much for all I have listened to in the last decade from my Republican colleagues speaking of State rights, of local rules, of States knowing best. And imagine denying critical dollars to protect all citizens of a State, county, or local government of homeland security funds, funds for police, fire, emergency management and preparedness. Not only would that public entity be directly hurt, but the Nation itself might be hurt if that State, city, or country is a portal, a gateway, into America and having had the funds denied, not being able to protect itself and that portal into the rest of the country.

The gentleman from Colorado's (Mr. TANCREDO) obsession could very well risk the national security of the United States, and this is an unfunded mandate on all of those government entities trying to be make it an extension of what is the INS. This is the real intent, to make every police department, every sheriff, and every law enforcement entity an arm of the INS. They have rejected those views. That is why we keep hearing this as Hispanic outreach. We do not need it. Reject the amendment.

POINT OF ORDER

Mr. ROHRABACHER. Mr. Chairman, I make a point of order.

I would like to inquire of whether or not if someone makes an allegation against a former Member that race is being taken into consideration by his decisions, whether or not that is, in fact, calling another Member a racist and whether or not that is just what our colleague just did to the gentleman from Colorado (Mr. TANCREDO).

The CHAIRMAN pro tempore. The Chair would respond that it is against the House rules to engage in personality toward other Members.

Mr. ROHRABACHER. Mr. Chairman, so if our colleague just indicated to

that the gentleman from Colorado's (Mr. TANCREDO) consideration was because of the way people look and their race, that is a reason to have our colleague's words taken down? Is that right?

The CHAIRMAN pro tempore. The Chair would advise all Members to refrain from impugning the motives of other Members in the debate and discussions on amendments and legislation.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations for yielding me this time.

Mr. Chairman, I rise in support of the Tancredo amendment because facts are stubborn things. Allegations, no matter how offensive, no matter how predictable from some in this House, have a way of being displaced by facts. The fact is federalism is dynamic because constitutionally there are responsibilities reserved to the States and localities, but more importantly, there are responsibilities constitutionally delineated to the Congress of the United States.

I would remind my colleagues and specifically the preceding speaker that Congress, not States or cities, has the sole authority to draft and enact immigration policies. By permitting States and localities to flaunt Federal law enacting sanctionary policies, Congress is effectively allowing local governments to set up their own patchwork of individual immigration systems.

Mr. Chairman, national security is synonymous with border security. Congress must act to put an end to these policies that allow this patchwork of different immigration policies based on whatever the whim of a certain locality or a certain State may be. We must do that if we are to maintain an orderly immigration system and to ensure that Federal antiterrorism efforts are successful.

In contrast to those who would come with tiresome and objectionable notions that this is based on race, this is nothing of the sort. This is based on national security and understanding that we must know who comes into the country. Certainly there should be effective, consistent enforcement across the board. That is why I rise in support of this amendment and ask the Members to join me in this support.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Chairman, I rise today, as I did a year ago, in strong opposition to the gentleman from Colorado's (Mr. TANCREDO) amendment. I hope that the Tancredo amendment will be ruled nongermane.

I felt obligated as an American to come to the House floor to remind this body of what America stands for as well as to question why anyone in the House of Representatives is offering such an amendment instead of focusing on the immigration reform measures such as ''The SOLVE Act,'' H.R. 4262, the brainchild of the gentleman from Chicago, Illinois (Mr. GUTIERREZ). The SOLVE Act would provide for earned adjustment to reward hard work, reunify families, establish a temporary worker program that protects the United States and foreign workers and strengthens national security under the immigration laws of the United States.

The Gutierrez legislation is constructive while, on the other hand, the gentleman from Colorado's (Mr. TANCREDO) amendment fails to promote improvement or development.

As is inscribed in the Statue of Liberty, we need to remember here in Congress the generous invitation that the United States has always sent to the world. I quote from that inscription.

''Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.''

□ 1245

It does not ask to shut our doors completely from the outside world and become an insular, protectionist, racist Nation. This amendment, as well as the other one that the gentleman from Colorado (Mr. TANCREDO) might offer, are contrary to American values.

Here we truly have forgotten the all-American dream inscribed on the Statue of Liberty. We need a responsible immigration policy that enhances our security. This Tancredo amendment is decisive and will actually endanger our communities. Law enforcement officials throughout the country oppose it, and I urge my colleagues to also oppose the Tancredo amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, we have a monstrous threat to our well-being, and it is not just the terrorism that comes in forms of people flying airplanes into buildings. We have millions, millions of people crossing our borders illegally; and if we do not come to grips with this challenge, with this threat to our people, it will dramatically decrease and hurt the standard of living of our own American people. We know that. There is no doubt about it.

We are proud to be a Nation where we allow more legal immigration into our society than all the other nations of the world combined. But illegal immigration in the form of millions of people coming into our society, consuming resources for education and health care, making a mockery of our judicial system and tearing down the police protection that we have got for our own citizens is damaging the well-being of the people of the United States. It is out of control; and unless we do something about it, our people are going to suffer. They are suffering right now in California. Their children are not getting as good an education and health care available.

This amendment simply says that the law needs to be enforced, and that all Americans, all Americans, especially those in law enforcement in local communities and throughout the country, have an obligation to enforce the law.

This has nothing to do with legal immigrants. It has everything to do with people who have broken the law. If people were robbing stores throughout the country and the police were not enforcing the law because local city councils were in league with the criminals, we would say that the local police have to enforce the law.

I will tell you this much: the billions of dollars being drained out of our health care system, the billions of dollars being drained out of our education system to take care of people who have not contributed, not contributed because they come over and in the same year they are on those social benefit programs, this is the same kind of crime; and it is a crime against the people of the United States. All people involved in law enforcement should be enforcing that law.

Mr. Chairman, I support the Tancredo amendment.

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

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the amendment being offered by the gentleman from Colorado (Mr. TANCREDO).

These amendments, in my opinion, are not only mean-spirited, but I believe they are also dangerous to America's national security. These amendments, all of them, force State and local police officers into positions of Federal immigration agents. If they do not assume this responsibility, America's cities and towns will lose their anti-terror Federal dollars.

This is an amendment, in my opinion, that would make Osama bin Laden proud. It weakens our national security, further burdens our overworked police departments * * *

Mr. TANCREDO. Mr. Chairman, my colleague has been warned about that kind of language in the past. I ask that my colleague's words be taken down.

Mr. CROWLEY. Mr. Chairman, I am talking about people who may be Irish. I am not talking about people of any race.

Mr. TANCREDO. Mr. Chairman, I request that my colleague's words be taken down.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will report the words.

□ 1255

Mr. CROWLEY. Mr. Chairman, I withdraw my words, and I would state for the RECORD it was never my intention to impugn the sponsor of this amendment in any way, shape, or form.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection?

Without objection, the words are withdrawn. The gentleman from New York (Mr. CROWLEY) is now recognized on the remainder of his time, 2 minutes remaining.

Mr. CROWLEY. Mr. Chairman. I would, though, draw the attention to the amendment itself, which does not take into account the fact that many people who are immigrants in this country come in different shapes, sizes, colors, and races, and this bill does not take that into account.

The amendment would take away any State and local government's ability to decide which policies allow them to best serve and protect our communities. Yet, that is precisely what all of us desperately need them to do.

State and local police officers are often our first responders in times of terrorist attacks. Their jobs are already incredibly difficult and incredibly critical. To threaten them with reduced resources is not only offensive to the work that they do, it is also dangerous to the communities that they strive to protect.

I find it interesting that the Republican Party is always out there praising America's police department, especially New York City's Police Department after 9/11. But in a Dear Colleague that was sent around, an example of New York City was used as a place that would lose police funding if this amendment passed. Yes, it is actually advocating slashing Federal dollars for New York City Police Department.

This amendment is not only wrongheaded, I just think it is wrong. First the Republicans try to slam a bill down our throats to make doctors INS agents, now they are doing it with our local police forces.

This amendment is a direct slap at the New York City Police Department, and I believe it is demonstrated in this Dear Colleague. I urge everyone to not only vote against this Draconian amendment that will leave our cities even more vulnerable to al Qaeda and other terrorists, but to actively speak out against this amendment in their constituencies.

I am also told that the GOP is reaching out to Latinos and other groups for political benefits. I say to those Latino communities to examine that the Republicans say one thing, but their mean-spirited legislation speaks louder than any of their words.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, over a century ago, my great-grandfather came from Sweden to chop sugarcane in Louisiana. He came for the same reason that so many people come to this country from Mexico today—to take on some of our society's most difficult jobs, to create a better life. And when an illegal entry occurs, it is not the result of the policy of the City of Pharr, Roma or McAllen, but they have to cope with the consequences of a Federal policy they do not control. If undocumented workers, who are too often the victims of crime, hesitate to report crime because they fear the police, then our entire community loses.

Austin Assistant Police Chief Rudy Landeros has made the Austin Police Department a leader in building confidence with immigrants and working with them, giving them the respect crime victims deserve, because the Austin Police Department and so many others recognize it is essential to fulfilling the mission of public safety.

The Tancredo amendment would destroy such pragmatic local initiatives and would endanger all of our families. It must be rejected.

Our police departments have a difficult mission, and we do not need congressional interference at this critical time as they fulfill that mission.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I rise in support of this amendment. I agree with the position made from the other side of the aisle when they make reference to a statement on the Statue of Liberty that we are a nation of immigrants and we have an obligation to welcome immigrants to this Nation in the past, in the present, and in the future. But this amendment does not change that at all.

I would ask the other side who says that we should not be thwarting municipalities, counties, or State governments with their own decisions and their own prerogatives on these areas when it is under the Constitution the prerogative of Congress to set immigration policy.

Would the other side of the aisle say that we should allow the municipalities to do the reverse? Some municipalities want to set up sanctuaries. Should we allow other municipalities to thwart all immigration into their town altogether? If we are going to let municipalities rule immigration, I guess you would say that they should have that authority.

What rule of law then should we allow municipalities to decide on their own where Congress has the obligation? Should we allow the Civil Rights Act of the 1960s to be decided by the municipalities and be rewarded by the municipalities if they were to thwart those, even though Congress has clearly set down what the delineations of the Civil Rights Act is? I say no.

The Constitution clearly says immigration is the authority of Congress to set forth. We have set forth in the past, and we shall in the future, and the municipalities shall not thwart them.

Mr. SABO. Mr. Chairman, I yield the balance of the time, which I think is 30 seconds, to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member. I rise to vigorously oppose this amendment. This would create a torturous relationship between communities, police, and the immigrant community that has often been the key to solving crime problems as well as problems that may impact the security of this Nation. How would you like to live in a community where your local police were charged with the responsibility of raiding your community? We need to let Federal laws impact Federal laws. We need not have local individuals dealing with Federal laws. The laws are right as they are, and we should not deny those who are protecting the community needed resources that they need to have.

Let us oppose this amendment. This is a torturous and destructive relationship for our cities and the people that live there.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Homeland Security Appropriations Act, H.R. 4567. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel state and local police officers to become federal immigration agents by denying them access to federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any state or local government that limits disclosure of immigration status.

We count on state and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

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

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

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having state and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement

(ICE) would be a misuse of these limited resources.

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

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

I urge you to vote against this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield the balance of the time to the sponsor of the amendment, the gentleman from Colorado (Mr. TANCREDO).

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

I have oftentimes of course been on this floor in the debate revolving around immigration issues. We have tried desperately to keep that debate focused on the issue itself and away from innuendo and slur. That was the purpose I had in originally asking that the gentleman's words be taken down, to avoid that kind of thing, and I appreciate that the gentleman, in fact, withdrew his remarks. Remarks like those are not only an insult to the people to whom they are made, they are demeaning to the maker.

It is also important to understand that this debate has gone on now and has been centered on the other side on whether or not we should, in fact, uphold the law. Again, what a peculiar thing to be talking about here. It certainly has nothing to do with the Statue of Liberty or anything that is written on it.

The fact is there is a law. It is on the books. It has been there for 10 years. It says that cities must provide information about immigration and they cannot stop the flow of information from the Bureau of Immigration and Customs Enforcement. That is what it says. They are doing it.

Now, if we do not like the law, then, of course, as I said in my opening remarks, introduce a bill to repeal it. But it is there. And to stand on the floor of the House of Representatives and suggest that people should, in fact, disregard it, that cities and localities should ignore it, and that we should even reward them for doing so by providing them Federal dollars does seem, to say the least, peculiar. But that is the debate here. It has nothing to do with immigrants, with people from various countries, with the help that they can provide in various services. We are talking about simply not providing some disincentive for cities and localities who break the law.

I ask my colleagues to please think beyond the rhetoric. All of it is used to obfuscate the issue. It is just about the law. I ask for the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

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

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

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

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

Are there further amendments?

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MALONEY:

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

SEC. ____. None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', may be used for more than 80 grants.

Mrs. MALONEY. Mr. Chairman, I thank the chairman and the ranking member for all of their hard work on this truly important bill.

The Maloney-Rangel-Weiner amendment would limit the number of grants made under the Urban Area Security Initiative to 80 total grants. This is the same number of grants that were distributed by the Department of Homeland Security this year.

Since the Sweeney amendment was not adopted that would increase funding to the high-threat level the President requested, capping the number of grants to this year's number is the best way to ensure that the same places that are targeted by terrorists are targeted by the aid. This amendment will ensure that high-threat money goes to high-threat communities.

As every terrorist expert will tell us, we need to secure the high-profile areas targeted by terrorists. Yet, it seems that since the program started, we are more concerned with expanding the number of grants than securing the most vulnerable areas.

We first started with 7 grants to cities. We then grew to 30. Now we are at 80 total grants, 50 to cities and 30 to transit authorities. We are in danger of losing our focus on the core mission of most effectively protecting ourselves with the limited resources we have.

Over the first 2 years of the program, we have seen an increase in the number of grants, but we have cut the funding levels from $800 million in 2003 to $725 million in 2004. The result of the rapidly expanding list of entities eligible for high-threat monies was a dramatic cut for some of the highest threat cities.

For example, last year, New York got $150 million of Federal high-threat aid. This year, it shrunk by 69 percent to $47 million. The DC area suffered a reduction of 52 percent of high-threat money. Chicago was cut by 17 percent of their funding. But believe me, DC, Chicago, New York, Houston, Seattle, they have not seen a decrease in their threat levels or a decrease in the amount of money that their local governments are forced to spend on the protection of their people.

One positive step that this bill takes today is a general increase in high-threat money, from $725 million this year to $1 billion. But I am concerned that if this trend continues, the number of grants will continue to increase, and the aid to the areas under the greatest threat will continue to see their aid decrease.

At a time when the administration tells us terrorists are eager to attack, we need to make sure that high-threat grants actually go to where the high threat is. That is what this amendment attempts to do.

This high-threat grant program and list cannot become another pipeline for general spending for other needs. We have to uphold it as one way to actually give the cities at risk the help that they need.

Targeting money to these high-threat areas is not sending money to prevent some hypothetical threat. The cities on the high-threat list either have been the victim of a terrorist attack or, at the very least, have been talked about by the terrorists as a target area.

We know how the al Qaeda thinks: If at first you do not succeed, try, try again. They viewed their first attack on the World Trade Center as a disaster, as a failure, so they came back with a vengeance on September 11.

There have been several other planned attacks in New York City that have been foiled. If we take a look at terrorist attacks or known plots over the last number of years, there is one thing in common: they are all on the list of high-threat cities.

We can point to the millennium plot in Seattle, Washington. Plans to attack the Los Angeles International Airport, the September 11 attacks against New York and Washington, DC, and just this week, the Attorney General told us that there was a plot on a shopping mall in Columbus, Ohio. Seattle, Columbus, LA, New York, DC, they are all on the current list of 80 high-threat entities.

By including 80 entities, we allow the Department of Homeland Security to cast a pretty wide net, while making sure it is not too wide to be effective. We need to target the aid to the terrorist targets in our country. That is the purpose of the high-threat aid formula, and that is what my amendment does.

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

Mr. Chairman, the amendment seeks to cap the number of high-threat, high-density urban area grants and rail and transit security grants to the 80 presently awarded in 2004.

Mr. Chairman, the whole concept of giving monies on top of the regular distribution of funds across the country, to give extra money to certain cities in the country, the whole concept was we need to protect those cities that we know are targets from the threat information we receive from time to time, because they have extra needs.

□ 1315

And so that was the very concept of the urban area grant program which was added on top of all of the other grant programs. But threats change.

Anyone who is privy to intelligence knows that yesterday it is Columbus, Ohio. It is New York. It is Washington. It is LA. It is Chicago. But then it is Albuquerque, and who knows where. And the Secretary needs to have wide latitude. We do not need to use this pot of money as pork. This needs to go where the needs are. We do not know where the needs are until we hear the intelligence of the moment. And that is why we leave great discretion in this bill with this pot of money as with most of the others with the Secretary and the intelligence community to make these grants based on real intelligence. Not what I think or what some Member of this body thinks, but what are the real facts, what information do we have that we need to respond to. And that is why it needs to be a flexible fund.

Next year there may be 20 cities that are in that list, or it may be 10, or it may be 60. I do not know. But the funds are there for that purpose, to protect the large urban centers of high-density, high-threat urban areas. To restrict this amount, to restrict the number of cities, to say that these are these and no more, we will protect these cities and the rest of you can fend on your own, that is not right, is it?

Are we to say to a certain segment of America, you do not matter. You do not count. I do not think so. I think this Congress should say these monies are to protect Americans wherever the threat is and wherever the risk is. And we should not be monkeying around with this type of thing.

Please do not try to earmark in this bill, and this is an earmark in reverse. I oppose the amendment.

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

Mr. Chairman, I rise in strong support of this amendment. I think that some of the remarks that were made in the last couple of minutes seem to indicate that not everyone understands what this amendment does. This amendment does not limit the discretion of the Department of Homeland Security to say that next year the same 80 cities or 50 cities and 30 transit organizations that have grants now have to get grants again. It simply says that no more than 80 may get grants, that we cannot dilute it further.

Now, the threat may change, as the distinguished chairman as said, in which case, the Department retains the ability, the discretion to change where the grants go. What this amendment does, however, is to say that the threat is not diluted. The threat is not getting wider and wider and wider. We may have more intelligence that this city is a bigger threat as opposed to that city this year, and the Department would retain the full discretion to shift its funding based on that.

What this amendments says is, look, the Urban Area Security Initiative is the one homeland security program specifically designed to assist the cities that need help the most, the ones that are at the highest threat for terrorist attack. Yet last night, some of us said we should take other funds for homeland security and concentrate them more. This body decided otherwise.

We have certain money guaranteed for every State. But this vote says this pot of money goes only to the cities where the threat is highest, which makes sense. But if the threat is highest, in how many cities can the threat be highest? Seven, 30, 80, 200? It makes the designation of the threat being highest meaningless.

Once you have gotten to distributing the money so widely, then nobody gets very much money. Two years ago, in fiscal 2003, New York City received $150 million from this pot of money. No one thinks the threat has diminished from New York City, and yet this year it received $47 million, a cut of 69 percent. The national capital region's share, the cut was 52 percent.

What we are saying is from this pot of money which is directed, intended for highest-threat areas, keep it for the highest-threat areas. It is almost meaningless when you say the 80 highest-threat areas. It probably should be the 10 or 12, but certainly no more than 80.

Why 80? Because that is what they have diluted it to now. We probably should restrict it further. But to say that the pot of money that goes to the highest-threat areas should go to the 80 highest-threat areas, no more. Whichever the Department decides are the highest-threat areas, that discretion remains, is simply a statement of saying this pot of money really is for high-threat areas, not generally to be distributed.

If we are serious again about protecting our people, we should have some money that is directed at the highest-threat areas based on however we decide the Department decides the highest threat is by whatever the intelligence is. That is what this pot of money is intended to do. To dilute it past 80 different entities makes it meaningless. Therefore, I urge the adoption of this amendment.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this amendment and I thank my colleagues for their diligent efforts to bring this amendment to the floor.

I have always said that governing is about setting priorities. With more needs than resources, leaders must prioritize when it comes to the business of problem solving. This is particularly true in the area of public safety, which has only become more critical since the events of September 11. The federal government is responsible for protecting all Americans from the East Coast to the West Coast and everything in between. That is a vital and daunting mission, and the reality that security has a price tag means we must make thoughtful priority funding decisions based on risk and threat assessments. This amendment recognizes that reality and ensures that the most likely terrorist targets will be given the priority funding they so desperately need.

Federal money is not drawn from a bottomless well. There is a fixed amount available to go around for many needs including homeland security, military/defense, transportation, education and so on. And there is a fixed amount available within each of those needs. Homeland security money is not unlimited and once again—the needs exceed the resources. When the urban area grants were first created, we prioritized the cities with the highest threats and most critical needs. The first seven grant recipients included New York, the National Capital Region, Los Angeles, Seattle, Chicago, San Francisco, and Houston. Given the recent news reports of failed attack plans in the past, we know these priorities were absolutely correct.

Since those first grants, the program has increased to 80 grants for 50 high threat cities and transit systems. Out of the same fixed amount of money, we have gone from 7 grants to 80 and we believe this is appropriate given the current known threats and risks our nation faces. Our concern, however, is that we can not dilute that fixed amount of urban area threat money by increasing the number of grants further. Perhaps we will decide at a later date we will need to do that, but now is simply not the time.

This amendment will limit the number of grants DHS can make under this program to 80, the same number made by the department last year. This amendment will not dictate who receives the 80 grants or how much money each grant recipient gets. It simply acknowledges that we must prioritize how we disperse these limited federal funds.

As the Congressman for the Maryland 2nd Congressional District, this problem is very close to home for me. My district includes the Port of Baltimore, BWI Airport, NSA, Ft. Meade, Aberdeen Proving Grounds, and approximately 90 percent of the chemical facilities in the State of Maryland. That is quite a lot of critical infrastructure. I believe protecting these national assets is both important for my district and for the country as a whole. In addition to the tragedy of human loss in the event of another attack, we must also consider the crippling impact of environmental, commercial, economic, and infrastructure disasters. We must do all we can to protect our people, our nation, and our way of life.

I support this amendment because I believe it is a responsible and common sense approach to tackling these enormous problems.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the

gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. SABO

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

The Clerk read as follows:

Amendment offered by Mr. SABO:

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

SEC. ____. For the Privacy Officer of the Department of Homeland Security to conduct privacy impact assessments of proposed rules as authorized by section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142), hereby derived from the amount provided in this Act for ''Aviation Security'', $2,000,000.

Mr. SABO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, this was an amendment that I was not planning to offer unless the language we had in the bill relating to CAPPS2 was stricken. And, unfortunately, there was a point of order raised on the CAPPS2 language and some very important language relating to privacy was stricken from the bill.

This is a rather simple amendment. The fact is the Department's privacy office has huge responsibilities and a limited budget. The amendment increases funding for the Department's privacy office by $2 million. The charge of the Department's privacy office has grown far beyond what was originally envisioned in the Department's budget projection.

The Secretary delegated Freedom of Information Act oversight to this office in addition to its privacy duties. The privacy issues at the Department are huge, particularly with the TSA, CAPPS2, and transportation worker identification cards programs, and MATRIX. The privacy office will also be the last point of passenger appeals.

Because we eliminated the Capps language which required GAO to do a review of the Department's efforts to put CAPPS2 in place, and because there are new requirements being issued by the Department and how they are going to put their CAPPS2 list together, again we have a requirement in the Capps amendments that GAO review that process. That was deleted from this bill. Because of this vacuum by what we did because of a point of order, there is increased sensitivity and responsibility for this office to deal with some of what I think are the most crucial privacy issues that are involved in the Department of Transportation security.

So I think they are going to have significant additional, they were going to have significant increase in work load before the elimination of the TSA language. That simply increases their job responsibilities and some sensitivity of what they have to do.

I urge adoption of this amendment. The $2 million comes from aviation security which is a fund of over $4 billion. This clearly is a very important expenditure for aviation security, and I urge adoption of the amendment.

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

Mr. Chairman, with respect to my colleague, I have to oppose the amendment. The bill provides $2,270,000 for the Office of Privacy in 2005, which is $1.5 million above the level enacted for the current year. And the Department of Homeland Security continues to be slow in hiring. The current vacancy rate in the Office of the Secretary, which includes the Office of Privacy, the vacancy rate is over 30 percent. A lot of that is due to the slow process of clearing people for these jobs. And we do address that in the bill in another section.

So we hope to allow them to hire people and get them on the job quicker. However, the money in the bill already allows the Office of Privacy to hire eight new staff, and I do not think they can get that many hired anyway. This amendment would increase funding even more, and it is just not needed.

So I would hope that the Members would reject this amendment. It is not needed. We have got more money there than we can use.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

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

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

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

The point of no quorum is considered withdrawn.

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

Mr. Chairman, we have some Members that have amendments and they are on their way. I know the ranking member of the full committee has an important amendment, and I know there are a couple of others, but we are getting close.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

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

SEC. _____. Section 212(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)) is amended—

(1) by striking ''(4)'' and inserting ''(4)(A)'';

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

''(B)(i) Upon application by an alien who is citizen or national of Mexico, and who is applying for admission as a visitor under section 101(a)(15)(B) from Mexico, the Department of Homeland Security official in charge at a port of entry may, in the exercise of his or her discretion, on a case-by-case basis, waive either or both of the documentary requirements of section 212(a)(7)(B)(i), if satisfied that the alien is in possession of proper identification, as provided under clause (ii), and—

''(I) is a child coming for a regular medical appointment (as evidenced by proof such as a letter from the medical professional concerned), or is the parent (or other adult chaperone) accompanying such a child, except that the number of adults admitted under this subclause shall not exceed one per child;

''(II) is a child coming with a student group to participate in an educational or cultural event (such as an athletic or academic event, a concert or other artistic performance, or a visit to a recreational, touristic, or historical site) for not more than 1 day (as evidenced by proof such as a letter of invitation issued to the group), or is an adult chaperone, such as a teacher, coach, or parent, accompanying such a group, except that the number of chaperones admitted under this subclause shall not exceed that sufficient to supervise the group involved; or

''(III) is a child coming to participate in a special community event that traditionally has been attended by individuals from both sides of the border (as evidenced by proof such as a public letter of invitation issued by the community concerned), or is a parent or other adult relative accompanying such a child.

''(ii)(I) For purposes of this subparagraph, in the case of a child, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality.

''(II) In the case of an adult, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality, and a government-issued driver's license, or similar document issued for the purpose of identification, that contains personal identifying information and a photograph.

''(iii) For purposes of this subparagraph—

''(I) the term 'child' means an unmarried person under 16 years of age; and

''(II) the term 'adult' means any person who is not a child.''.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing laws 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.''

This directly amends existing law.

Mr. Chairman, I ask for a ruling.

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

Mr. FILNER. Mr. Chairman, I would concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded.

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

Mr. Chairman, although this amendment is not in order, and I recognize that, I would just like to tell the chairman that I have proposed it out of frustration with what is going on at the border between California and Mexico.

I represent that total border, and I would say that in our rush after September 11 to secure the border and protect the homeland, we have made very many important steps, many necessary steps; but we also made some wrong decisions, decisions which in fact harm our national security, harm our close relationships with Mexico, and in fact set us back in our attempt to be secure.

I refer specifically today to the practice that has been abolished at the border of giving discretion to port directors to allow children for either medical or humanitarian or cultural reasons to cross the border on a 1-day visa; to grant a waiver to the normal visa requirements, a waiver of normal requirements where we are beyond the reach of many poor people in Mexico.

They cross the border for important reasons. For example, in my district in the city of Calexico, there is a clinic called the Valley Orthopedic Clinic. For over 40 years it has treated poor children for deformities and birth defects, which gives them a future; and, in fact, they have treated over 125,000 low-income children from Mexico.

□ 1330

The practice had been for decades to allow the port director the discretion to grant this 1-day visa, a 1-day humanitarian waiver to allow that child to get treatment, to correct a cleft palate or a clubbed foot or a pinky that was not there at birth, to give children who could not afford it in their homeland an opportunity for a future.

After September 11, that authority, discretionary authority for humanitarian waivers, was taken away from the port director. And so children in need of medical help, school children who would march with their counterparts in America on Christmas parades, visit the world famous San Diego Zoo, go to other cultural events with American counterparts, that was taken away. That has not helped the security of our Nation.

These children are not terrorists. These children are, in fact, engaging in diplomatic relationships that strengthen our two countries' relationships, strengthen our border and give us more security; and yet we have denied now that authority to the port director under the name of homeland security.

So all my amendment would do, and I am sorry we cannot talk about it today, would have said the port directors at the seven or eight ports of entry in my district, others in Texas, New Mexico and Arizona, would have the authority to grant these humanitarian waivers. The amendment would not make it easier for terrorists that come to the country. The amendment would not affect the number of legal or illegal immigrants living in our country. The amendment would not force immigration officials to offer waivers.

So I hope as we go through our appropriations and our authorization process for homeland security we take a rational approach, we do not go overboard in taking away discretionary authority from our border officials in the name of homeland security, which actually sets us back.

So I hope that this body will take that issue up in the future. I thank the body for giving me a few minutes to talk about what is going on at the border, and I hope that we can do things that really strengthen our security and not weaken it in the future.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

TITLE VI—ADDITIONAL APPROPRIATIONS

CONTINGENT EMERGENCY RESERVE

For additional expenses, not otherwise provided for, necessary to support operations to improve the security of our homeland due to the global war on terrorism, $3,000,000,000, to remain available until expended: *Provided,* That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further,* That the funds made available under this heading shall be available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further,* That funds made available under this heading may be available for transfer for the following activities:

(1) up to $1,200,000,000 for ''Office for State and Local Government Coordination and Preparedness, State and Local Programs'';

(2) up to $200,000,000 for ''Office for State and Local Government Coordination and Preparedness, Firefighter Assistance Grants'';

(3) up to $450,000,000 for ''Transportation Security Administration, Aviation Security'';

(4) up to $50,000,000 for ''Transportation Security Administration, Maritime and Land Security'';

(5) up to $550,000,000 for ''Customs and Border Protection, Salaries and Expenses'';

(6) up to $100,000,000 for ''Immigration and Customs Enforcement, Air and Marine Interdiction, Operations, Maintenance, and Procurement'';

(7) up to $50,000,000 for ''Immigration and Customs Enforcement, Federal Air Marshals'';

(8) up to $100,000,000 for ''Immigration and Customs Enforcement, Salaries and Expenses''; and

(9) up to $300,000,000 for bioterrorism preparedness activities throughout the Federal Government:

Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations 15 days prior to the transfer of funds made available under the previous proviso: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

The CHAIRMAN pro tempore. The gentleman from Kentucky reserves a point of order.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I thank the gentleman for reserving.

Mr. Chairman, I have told the House twice now that while I think this bill is an improvement over the budget presented by the President, in fact, it leaves this country seriously exposed to a whole variety of vulnerabilities from terrorist attacks.

This bill attempts to try to close some of those gaps. This amendment would provide $1.4 billion more than the bill contains to address port transit and local first responder needs. It will provide a State formula grant increase of $350 million, urban area grant increase of $500 million, port security grant increase of $100 million, fire grant increase of $200 million, et cetera.

I know that is a lot of money, but the fact is the Hart-Rudman Commission estimated there is a $90 billion need in order to protect our local communities, and so far we have only invested about $15 billion. We cannot buy that kind of security on the cheap.

Secondly, this amendment would provide $550 million more to address aviation security. It would improve the cargo security situation. Right now, there is a huge percentage of cargo that is shipped on passenger airplanes that is not inspected for explosives. It would provide $333 million in additional funding for explosive detection systems at airports. It would increase funding for air marshals by $50 million because right now we are some 8 percent below where the President said we should be.

It would provide $750 million dollars more to address border security. We have 2,000 fewer people patrolling the northern border than the PATRIOT Act indicated that we ought to have.

We provide an additional $86 million for the Container Security Initiative so that we do not have to rely on part-time, short-term employees to inspect those operations; and it provides a variety of other initiatives.

Now, I know that because the Committee on Rules chose not to allow this amendment to be offered that any Member of this House has an opportunity to raise a point of order which will prevent the House from even voting on this proposition. I would simply make one point in urging that Members not exercise that prerogative.

We are going to be providing next week $25 billion in additional funding through the Defense bill to pay for the costs of our war in Iraq. That cost will eventually rise for a full year to over $70 billion. It seems to me, if we are going to spend that much money on an emergency basis, then we can provide $3 billion on a contingent emergency basis to try to solve some of these home security problems. By providing it on a contingency basis, what that means is that the President may eliminate any item he chooses. So if the President thinks it is unessential, he cannot spend the money and the money will not flow.

I think this is an eminently reasonable amendment. If it is true that the number one priority of the House and the number one priority of the President is to defend the homeland, if that is true, then we would not see this amendment stricken on a point of order.

The problem we have, and I know some people resent it when I say so, but the fact of the matter is that because the majority party has chosen to make tax cuts its number one priority, it means that we are squeezed on education; it means we are squeezed on health care; and, yes, it means that we are squeezed on homeland security. And we are prevented from meeting the security needs of the country by funding these activities.

With that, Mr. Chairman, I would urge a ''yes'' vote on the amendment in the event that the gentleman from Kentucky decides not to offer the point of order.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I really hate to disappoint the ranking member, but I do raise a point of order against the amendment under clause 2 of rule XXI.

The provision designates an amount as emergency spending for purposes of the concurrent resolution on the budget. As stated in the House Rules and Manual, such a designation is ''fundamentally legislative in character.''

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Do others wish to be heard on the point of order?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized.

Mr. OBEY. Mr. Chairman, while I reluctantly concede that under the rule adopted by the House this amendment cannot be offered, so we cannot even get a vote on it, so I reluctantly concede the point of order, this is not in order under the rule, it ought to be.

The CHAIRMAN pro tempore. The gentleman concedes the point or order. Accordingly, the point of order is sustained. The amendment is not in order.

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

Mr. Chairman, one issue that is partially dealt with in this bill, but not to the degree that I think it should be, is the whole question of the screening of cargo on passenger aircraft.

Last year, the House passed by an overwhelming margin a provision requiring all cargo on passenger planes to be screened. Then that did not survive conference. We continued to do some work in that area. A very limited amount of cargo is being screened. This bill says it should be doubled, but doubling a small number still leaves us very little cargo being screened. I think it is one of the most vulnerable parts of airline security. I think most of the people in this country have no sense that most of the cargo going into the passenger plane that they are flying is not screened. We clearly have the potential and the capability to do more. At times we have gone to heightened security alert in this country, and the screening has gone up substantially. It is an area where we should be moving aggressively and increasing the screening.

I offered a committee amendment that would have called for a fivefold increase in the amount of cargo to be screened. I thought it was doable. Unfortunately, that amendment was defeated.

So I just want to express my concern that this is one area which clearly has been a target of terrorists for a long time, the aviation industry, where we remain very, very vulnerable; and I just think it is urgent that the agency and the Congress pay much more attention to the question of cargo screening on passenger planes than we have done and an area where we need much more aggressive action in the future.

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

I am following after two actions, the ranking member having spoken on the question of screening of cargo that is carried on passenger planes, and after the point of order that had been raised by the chairman of the subcommittee in regard to the full committee's ranking member point of order on the contingent reserve.

Mr. Chairman, I think that what has just happened in regards to Mr. OBEY's amendment is deeply regrettable. Mr. OBEY's amendment focused on port and transportation and local first responder needs. It would have addressed the very thing that the ranking member of the subcommittee just spoke about. It would have increased the funding for screening of cargo that is carried on passenger flights by $117 million so that additional cargo could be inspected at a time when it is pretty well understood that we are screening, at most, 10 percent at the present time of the cargo that is being carried by our passenger flights; and I think everybody has a good deal of concern about that. The Chairman's funding for that is increased already, but this funding would allow a more substantial increase than what is provided by the legislation.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have increased port security grants by $100 million, and I remember in the debate here over the last day and a half that several Members have identified the issue of port security as opposed to cargo container port-type work as being an account that is most underfunded in this. Clearly, in this instance, we are funding less than 10 percent of the need that is in the area of port security. If it is not the most underfunded, it is certainly one of the top three most underfunded areas in this legislation.

The Coast Guard itself says that our unmet needs are something like $6 billion to do the kind of port security that is necessary.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have increased the funding for border agents and inspectors by $214 million to plug the leaks in the northern border which have been shown where the attempts at entering into the United States have come, where we at the present time only have about two-thirds of the goal on the part of the Department of Homeland Security of what their goal is for those very borders.

□ 1345

The Obey amendment would have provided $300 million to address bioterrorism preparedness, giving the Department of Homeland Security the power to utilize where it was needed on this contingency fund. Among other things, it would have provided additional money, about $86 million, into the Container Security Initiative to provide for increased staff to cover those very ports which are still risky ports, which the chairman has indicated that we are covering, are largest and most risky, but we have others that are of considerable importance in getting at the screening of cargo at the source before it comes into our own ports from across the ocean.

So all of this funding would have been provided by a contingency reserve that was involved in the Obey amendment.

Mr. Chairman, we should not be putting a price on the security of American citizens as close cut as we are, and yet this leadership has done exactly that by ruling the Obey amendment out of order.

Mr. Chairman, we simply are not going to be able to provide adequate security on the cheap. I think that the amendment of the gentleman from Wisconsin (Mr. OBEY) would have given

us a good bit of reserve in this year when we are told there may be other attacks.

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

I come to the floor today to speak to the problems that we are having in south Florida with regard to the allocation of the anti-terrorism aid that is supposed to flow into our part of the State of Florida. We are in one area with Palm Beach, Broward, Miami-Dade and Monroe County. The United States Department of Homeland Security put the City of Miami in charge of dividing this money earmarked to help metropolitan areas viewed as the highest risk for attack. Miami was designated a high-risk area because of its downtown, airport, seaport and large population, but it was required under the grant to coordinate how this money is spent over the entire area.

As a result, the City of Miami retained 90 percent of the money and has allowed approximately 10 percent to come to Broward, has given Monroe County nothing, and has given Palm Beach County nothing.

Let us take a look at this. Miami was designated because of the downtown area. Palm Beach, West Palm Beach is a large metropolitan area. So is Fort Lauderdale. Both Broward and Palm Beach County have airports, several airports, and both have seaports. And the Port Everglades, which is in Broward County, supplies all of the petroleum for south Florida, including the Miami airport, including all of the automobiles that run throughout Miami-Dade County and that part of the area, and is very vulnerable. And there is a seaport in Palm Beach County.

Speaking of large populations, the combined population of Broward and Palm Beach County is larger than Miami-Dade County. Something has to be done here.

The Department of Homeland Security has clearly, in my opinion, been betrayed by the City of Miami. So Palm Beach and Broward County are speaking with one voice and asking to separate themselves from Miami-Dade. This could not be done if we are limited to the status quo in the number of metropolitan areas that we presently have as one of the amendments that we will soon be voting on does provide for.

I would ask that we not strap ourselves into that single position. The only response that we get from there, and I am quoting from the Sun Sentinel newspaper, it says, ''The politics involved here are directly detracting from putting these Federal dollars to use to reduce the risk, and that is a shame,'' and that comment was made by a fellow named Joe Fernandez, who is a Miami assistant fire chief in that area. This is not politics, this is an absolute outrage.

So again, Palm Beach County, Broward County, we want to separate ourselves from Miami and Miami-Dade County because of the outrageous manner in which this money has been hoarded and held onto by the City of Miami.

AMENDMENT NO. 22 OFFERED BY MR. TURNER OF TEXAS

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

The Chairman pro tempore (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TURNER of Texas:

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

SEC. ____. For additional expenses, not otherwise provided for, necessary to procure, install, and operate radiation portal monitoring technology to improve the security of our homeland due to the global war on terrorism, $200,000,000 to remain available until expended: *Provided* that the entire amount is designated an emergency requirement pursuant to section 402(a) of the conference report to accompany S.Con.Res. 95 (108th Congress): *Provided further*, That the funds made available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That the funds made available under this heading shall be available for Customs and Border Protection salaries and expenses: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations fifteen days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I raise a point of order against the amendment under clause 2 of rule XXI. The provision designates an amount as emergency spending for purposes of the concurrent resolution on the budget. As stated in the House rules and manual, such a designation is fundamentally legislative in character.

Mr. Chairman, I would reserve raising the point of order and yield 2 minutes to the gentleman from Texas (Mr. TURNER) to explain.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman may reserve his point of order but not yield time. The gentleman from Texas is recognized for five minutes.

Mr. TURNER of Texas. Mr. Chairman, the amendment that I wanted to offer which is subject to a point of order would try to remedy a problem which I think we all understand exists, and that is we are continuing to be under the threat that some terrorist group will ship into the United States in a cargo container or by truck a nuclear device or a dirty bomb.

I want to commend the gentleman from Kentucky (Mr. ROGERS) and the committee for adding money to this item over and above what the President requested. The committee added $50 million to help purchase radiation portal monitors. But unfortunately, as the committee's own report states, the President's request includes 165 additional radiation portal monitors, and the committee is aware of the need for 1,000.

What I was attempting to do by this amendment is to increase the funding for radiation portal devices so this next fiscal year we could fully deploy radiation portal monitors in all of our ports to be sure that we are prepared to defend against the possibility of a terrorist group putting in a container some nuclear device or dirty bomb. I recognize it is a significant increase, but I believe in light of the urgency that it is the right thing to do rather than continue on what would probably be a 2- to 3-year program to fully deploy.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Does any other 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 an emergency designation under section 402 of Senate Concurrent Resolution 95 as made applicable to the House by section 2 of House Resolution 649. 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. 10 OFFERED BY MR. MARKEY

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

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

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MARKEY:

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

SEC. ____. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be equally divided between myself and the gentleman from Massachusetts (Mr. MARKEY).

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for 20 minutes.

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

Mr. Chairman, every time we fly we wait in security lines. We empty our pockets, we remove our shoes. Sleeping babies are taken out of their baby carriers. We have to walk through metal

detectors, we have to have our baggage inspected. Even grandma with her walker needs to be physically inspected at security checkpoints.

We do not complain much as Americans because we all know this is all aimed at improving the security of every single flying passenger in our country. But what people do not realize is that right next to our baggage, right underneath our now-screened shoes, cargo is placed which has not been screened at all.

For example, if a passenger were carrying onto a plane a package this size, it is going to get screened. It is going through the metal detector. It is going to be looked at. But if it is shipped as cargo and it is 16 ounces or less, it automatically does not get screened at all. They think this is not dangerous if it comes as cargo. But if a passenger carries it onto that very same plane, it is going to be checked. The only difference is if you are carrying it, you are on the plane with it. But if someone sends it as cargo, they are not on that plane.

What is dangerous about that? What is dangerous about it is that the Pan Am flight over Lockerbie was brought down by a package this size. That is what is wrong. We should not have passengers on American planes that have this kind of danger that al Qaeda could exploit that could wind up with a catastrophe which shocks the world.

Moreover, cargo which is this size, which is not too much bigger than a lot of people's traveling bags for the summer, this does not get screened except in very rare instances. It goes right into the belly of the plane, the same way that your baggage goes there but without the screening. So that is a loophole, unfortunately, that al Qaeda could exploit and we know that al Qaeda continues to say and our Bush administration security officials confirm that al Qaeda continues to put passenger aircraft at the very top of their terrorist target list.

So the amendment which we are making here today, the gentleman from Connecticut (Mr. SHAYS) and myself, is the same amendment which we made last year to this bill which passed on the House floor 278–146. The reason it passed is obvious, it makes no sense to put all of the families in our country, especially as vacation time is arriving, on planes that have all of these packages that are unscreened even as they, the American families, have been put through the toughest possible screening possible.

So our amendment calls for the screening of this cargo, that it should not go onto the planes unless it is screened. Why should bags in the bay of a passenger plane be screened, that is the bags of the passengers, but the other half not be screened even though the people who put those packages on are not even flying on the plane? This is something that in our opinion makes no sense whatsoever.

We continue to see data on the number of planes. It turns out that al Qaeda was targeting 10 planes for hijacking. We know they are obsessed with them and we know that we are obsessed with the planes that are the passenger planes. Let us not allow our people in our country, our passengers, and yes, yes, we are talking about the American family here. That is what we are talking about. We are talking about the people who are in the galleries today who flew here to Washington. It was on their planes, and as they fly out of Washington today, as they fly anywhere in America today, it is the baggage on their planes that had cargo on it. These people deserve protection.

That is the simple heart of our argument; that it is just plain wrong to put Americans on planes with unscreened cargo, especially since the technology is already there. The vast majority of cargo could be screened with the existing technology that already screens our bags. It is the same size as our bags or smaller. How can they escape being screened?

Mr. Chairman, I ask for Members' support. The gentleman from Connecticut (Mr. SHAYS) and I will make the argument over the next 30 minutes or so and we hope that we once again send a strong message that we want to have all of this baggage screened.

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

□ 1400

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we agree that 100 percent of all cargo on passenger planes should be screened. We are together on the goal. It is just that we do not have the capability now. We cannot do it this year. It is going to take a little bit longer. The machinery does not exist, contrary to what the gentleman from Massachusetts says. That big box is too big for the machines that we check our bags through that x-rays packages. The machinery does not exist at this time. We have effective means in place at the moment to reduce the risk to acceptable levels without shutting down air cargo and bankrupting airlines, as this amendment would surely do.

We are aggressively tackling this problem of cargo on passenger planes. This bill that we have before you requires at a minimum that the TSA double the percentage of air cargo screened, actually screened. We appropriate $118.5 million for air cargo security, which is $33.5 million above what we put in the bill last year for this and as requested by the President, including $75 million for developing screening technologies, the R&D to develop the machines that would accommodate palletized cargo on airlines and the larger packages; $10.5 million to hire an additional 100 air cargo inspectors; $20 million to make further enhancements to the known-shipper program and implement a new cargo rule; and $3 million to expand the canine teams deployed to inspect air cargo.

We are getting there, and we are a long way there. We cannot get there 100 percent at the moment. However, with this funding, TSA will continue an aggressive R&D program to examine technologies, to improve the capability to screen the high-risk cargo, including new technologies for screening palletized cargo and containerized cargo for explosives. A number of vendors have been tentatively selected for laboratory evaluation of these kinds of products. TSA is enhancing the known-shipper program.

What is the known-shipper program? It means that you cannot ship cargo on a passenger plane unless you have been certified by the Federal Government; and they look at you very, very carefully. You have got to be a certified known shipper before your cargo can be placed on a passenger plane. If you are not a known shipper, you have got to put it on a truck or on an all-cargo plane or what have you, but not a passenger plane. We do not allow it. So you have got to be a known shipper, and you have got to be certified by the Federal Government before you can become a known shipper. Known shippers go through a very rigorous and thorough process to obtain their status: verification of their legitimacy by way of a comprehensive database, random inspections, recertifications on a yearly basis.

This bill includes language requiring at a minimum to double the percentage of air cargo that is currently screened. That is an incremental approach. We are headed toward 100 percent when we can get there, but we simply cannot get there at this minute.

Screening technologies to inspect air cargo are not ready yet, in spite of what anyone says. The latest information that we have is that there is no machine at this moment in time able to see explosives. You can x-ray a package looking for drugs or contraband, but you cannot see explosives with that kind of a machine. That is the distinction the gentleman from Massachusetts fails to see. We are looking for explosives in passenger planes, not contraband; and the x-ray machines, of course, are designed for contraband.

If this amendment passes and airlines are not allowed to accept air cargo, it means that they will go bankrupt. That is it. You shut off air cargo; you close down the airlines. I am not going to vote for that. The TSA tells me that it would take 9,000 screeners at a cost of over $700 million next year to inspect every cargo at the top 135 airports that handle about 95 percent of all cargo on passenger craft.

The economy of this country relies on just-in-time delivery by airplanes, whether it is fresh produce and meats for grocery stores, mechanical parts for manufacturers, medical supplies for hospitals and clinics and the like. Cargo transported on passenger aircraft typically arrives about 30 minutes before flight time. If you shut off

air cargo, you are shutting off just-in-time delivery in this very sensitive area in this country in manufacturing.

In this bill, Mr. Chairman, we are going all out to develop the technology to screen all cargo. We have in place the known-shipper program, canine searches, and other practices; and we will double the percentage of personal inspections in this bill. I urge Members to vote ''no'' on Markey.

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

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), the cosponsor of my amendment.

Mr. SHAYS. I thank the gentleman for yielding time.

Mr. Chairman, I do not want to take a lot of time in this first pass but just to say, when I hear the presentation of both the gentleman from Massachusetts and our very distinguished chairman, it scares the heck out of me, because the bottom line is we are being told, and it is true, you can get explosives on a passenger airplane; and then we are being told we cannot do anything about it because it is impractical, we do not have the equipment, and so on. I think the story is somewhere in between.

The bottom line is we have people on passenger airplanes who believe that we check the baggage that is in the cargo of those airplanes. I think maybe at a minimum we should at least give them a little notice when they step on that airplane because it is the truth, that would say that when you go on this airplane, all the baggage brought on by passengers is screened, but the cargo that is on this airplane is not screened for explosives.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, the simple fact is if this amendment passes, there will not be any planes for them to get on in the first place.

Mr. SHAYS. I do not believe that. With all due respect, I do not believe it. I do not believe that the passenger aircraft are dependent on cargo in order to be able to take passengers. I just do not buy it. I at least think, though, that the American people deserve the truth, whatever the truth is. This is a debate we need to have, and frankly it needs to be a debate that is more than 40 minutes. The American people are entitled to the truth, whatever that is.

When we started out talking about the baggage on passenger aircraft, the gentleman from Washington (Mr. INSLEE) came in with an amendment in 2002, and he asked me to cosponsor it. He said, We do not check baggage. We check some, but we do not check all of it. I said, You have got to be kidding me. He said, We do not. And we have no time line.

So we offered an amendment that said by the end of 2004 we would check, and everyone opposed the amendment because they said we could not check by the end of 2004. They said, we do not have the equipment, we do not have the money, it is too costly and the passenger aircraft would just simply not be able to fly. That is what we were told. That is what the record said.

Our amendment passed, and an interesting thing happened. When it came back from the conference committee, instead of the end of 2004 that we would check for baggage, it said the end of 2003. I went up to one of the members and said, How come if we could not do it by the end of 2004, we could do it by the end of 2003? What I was told was, We did not want to put in writing that we could not check until the end of 2004 and we put the end of 2003 and we did not quite make that deadline, we met it sometime a little later in 2004, but we met it before the end of 2004. We did it because it mattered and the American people would not fly if they did not think the baggage was checked.

But what we at least need to say, I will say it as often as I can, 23 percent of what is in the belly of an aircraft is cargo. It for the most part is unchecked. Saying that we check because we have a known shipper is simply to say that we know who shipped it. It does not mean that we check the baggage. It amazes me that somehow we say that that is a protective system.

So for me, it is quite simple. We have got to give them a target. We have got to give them a deadline. We have got to be willing to spend the money. If six planes are blown out of the sky a week from now or 2 weeks from now, are all of us supposed to go back into our district and say, we could not afford to do it? I cannot do that. I cannot look my constituents in the eye and say, we could not afford to do it.

When we vote, I want every Member to know what we are saying. If you vote for the Markey amendment, you are voting to say we have got to have this stuff checked. And when it comes back from the conference committee, maybe we will come back with a deadline or something that you feel is more realistic, but we have got to have something better than what we have now. I feel strongly about that. I feel as strongly about that as I have ever felt about anything. I have had 50 hearings on terrorist issues on my subcommittee, and this of anything that we have looked at scares me the most.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment. This amendment is simply unnecessary and unworkable. Some of our colleagues have said, and I think wrongly believe, that air cargo is a hole in our aviation security system and that extreme measures must be taken immediately. I am sensitive to those misconceptions, but believe that serious efforts are being made by the Transportation Security Administration and the aviation industry; the airline industry are taking appropriate steps to address cargo security needs. TSA is currently developing new and more comprehensive standards for air cargo security which should be finalized soon, and TSA has also issued air cargo security directives recently.

Let me just respond, also, to a couple of things that have been said here. First, people are speaking without information. We heard the gentleman from Massachusetts say that we are putting our families through the utmost possible screening. That is not true. Some of the Members should take time to see the classified results of what we are putting them through and the holes in the current system. Putting explosives on a plane through cargo is a small risk at this point. Having a passenger walk through 1950 metal detectors is a great risk because those metal detectors do not detect explosives. That is how a plane will be taken down if a plane is taken down. This amendment actually can do a great deal of damage. In contrast to what the gentleman from Connecticut said, in the Congress we put a provision in that said 2003 instead of 2004. Those bags still are not being screened. We have only done 14 airports inline. That is because the Congress might say something, but they are not funding this.

Look at R&D. I put $50 million in the original TSA bill to fund research and development. One of our friends from the State of Washington in the other body took $30 million of the $50 million for R&D the first year, and that is why we do not have the technology to determine what equipment can be used to effectively detect explosives. And then again we can stand up here and ask the cow to jump over the Moon; but unless you provide the money and the technology and the means to do that, it is not going to happen.

The next year you took the money and you did not fund the money, and we had $75 million for R&D. You all waited 5 months, and the people who are talking now are the people who delayed the appropriations. So TSA took $63 million of $75 million out of their funds for research and development and had to use it for personnel. So the problem is here, and the problem is Congress making these kinds of edicts that do more damage.

I have summed up the problem. I have identified the problem. The problem is here, people talking about things, telling folks that we are putting our families at risk. We must address this on a risk basis, and we must properly fund R&D.

□ 1415

We do not have the technology to do this now. We do not have the technology to address our greatest risk, which is people strapping explosives to

themselves and walking through a 1950 metal detector that does not detect explosives.

So we need to address the risks. We need to do this on a logical basis. Not something that grabs headlines but something that is effective, that solves the problem at hand, that truly protects the American public from a terrorist act.

So I urge the Members to defeat this amendment. It could pass 100 times, and it does not mean anything because we are not going to be able to do it. We have $150 million this year for R&D, and that should be spent appropriately, not in haste.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. Chairman, I rise in support of the Markey-Shays-Conyers-Turner amendment. Most importantly, I rise in support of increased security for air travelers across this country.

Screening air cargo and passenger planes is a critical element in protecting the public, and there is absolutely no excuse for allowing this glaring loophole to persist. With the summer travel season upon us and air travel nearing pre-9/11 levels, this issue gains urgency every single day.

Every day and at every airport, unscreened cargo is loaded onto passenger planes, placing the traveling public and airline employees and airport workers at great risk.

We have spent billions of dollars and asked the American people to endure long waits and countless inconveniences in order to ensure safe air travel. The failure to inspect cargo and passenger planes flies in the very face of these security investments and threatens to make all of our efforts for naught. But it does not have to be this way.

The technology exists to close this security gap, but apparently the will does not, and I cannot for the life of me understand why. It is long past time to address this issue and stop placing millions of travelers at risk.

Mr. Chairman, I urge my colleagues to give the Markey-Shays-Conyers-Turner amendment the resounding victory that it deserves and give the American people the security that we have promised.

In closing, Mr. Chairman, I want to commend the foresight and the vision and the leadership of Mr. MARKEY, Mr. SHAYS, and others on this issue. It is long overdue and we need to heed the call. I am proud to be a partner with them in this effort, and let us get it done.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), a very important member of our subcommittee.

Ms. GRANGER. Mr. Chairman, I rise to oppose this amendment.

The Subcommittee on Homeland Security of the Committee on Appropriations has written a sound bill that addresses the security of air cargo shipping in a common sense way and is being honest and realistic with the American people. This amendment threatens that approach.

Right now many companies, like Dell and Texas Instruments, rely on airlines to ship their goods in what is called a just and timely fashion. Their high tech products have to get to customers in a very short time frame. They rely on airlines, not cargo planes, to take the goods to the customer quickly. Airlines only take passengers from known shippers who are registered and certified like FedEx and UPS. Airlines simply do not accept packages from anyone who is not a proven, known shipper.

This ''known shipper program'' is a good system, and it is getting better every day with shared databases and other upgrades. This is our first backstop against suspicious shipments. Our second backstop is the physical screening that is currently being done on any shipment that raises suspicion.

This bill calls for an increase in the shipments that are physically screened, specifically a doubling of the current screening. This is both reasonable and also attainable.

TSA has said that going to immediate, 100 percent screening right now at the top 135 airports requires about 9,000 screeners and cost over $700 million in the first year alone. And the cargo would still face a huge bottleneck because we do not have efficient screening technologies.

New technologies for screening large amounts of cargo are on the horizon, and this bill supports investment research for that technology. TSA says it will have to shut down cargo shipments altogether on passenger planes if we mandate 100 percent, and there, poof, we will have ruined a $3 billion industry and threatened 27,000 jobs.

The fact is that we all support 100 percent screening and we want to get there as quickly as possible and we want safety for all of our passengers. But we want the right technology to do this in the best possible way.

Let us face it. This talk of immediate physical screening does not come free, but should we not work for a more dependable, more durable technology for American travelers and air shippers? The current bill that we are debating calls for a doubling of the amount of our air cargo that is currently screened and inspected. That is reasonable, that is attainable, that is being honest with the American people, and I support this approach.

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

Mr. OLVER. Mr. Chairman, I rise in strong support of the Markey-Shays amendment. We hear of new homeland security threats almost daily. The President and the Attorney General have both warned that terrorists are likely to attack the homeland before the New Year.

Terrorist networks continue to put commercial airplanes very high on their list of targets. And while great progress has been made in aviation security, we are still lagging behind in screening cargo carried on passenger flights. Currently no more than 10 percent of cargo on passenger flights is screened or inspected for explosives or other dangerous materials.

This is a glaring loophole in our aviation security, and the legislation before us today provides too small an increase in screened cargo that is carried on such passenger flights. We need to reach full screening of cargo faster, and this amendment moves us in that direction.

I urge a ''yes'' vote on the Markey-Shays amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in reluctant opposition to the Markey amendment. The screening he wants to impose is not possible at this time, and technology is not developed to screen some of the large pallets. The airlines inspect all packages now, but the current screening technologies or pallets involve x-ray technology and not the explosives detection. And I have watched airlines load those huge pallets into the cargo holds of the planes, and they are much bigger than what the gentleman from Massachusetts (Mr. MARKEY) talked about.

This may be the size of our passenger, but the ones I have watched are the size of the Speaker's desk, and we just do not have the ability to do that.

The fiscal year 2005 Homeland Security Appropriations Act requires 20 percent random cargo inspection for the first time. It is now set at 10 percent; so we are doubling it. But, again, with the research and development funding in here, we will be able to get to where we can screen those large ones. But we are also doing the ''known shipper.'' So much cargo is shipped through known shippers, whether UPS, FedEx, DHL, name it. And they are the ones that are doing it, not unlike we are beginning to do with passengers where they have access for passengers that are known passengers and they go to the head of the line or a separate line. We are doing the same thing with cargo. So there is reasonableness to what we are doing.

The bill also provides 100 new cargo inspectors and $50 million in cargo security R&D funding in addition to the $55 million provided last year. So we are trying to get up to the technology level so we can do it. And I just do not want to make sure we throw the baby out with the bathwater that we require standards not only of the TSA but also of our airlines that they just physically cannot do.

I also represent a seaport, and in all honesty, we have a hard time inspecting 5 percent of containers coming into

our ports. I would find it amazing if we could even get the 10 percent of our containers that come in much less the 20 percent for air cargo.

I appreciate the gentleman from Massachusetts' (Mr. MARKEY) dedication and I am glad he keeps pushing us because without that maybe we would not go further. But I know there is an effort by a lot of Members to make sure we do go further every year.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT) for a colloquy.

Mr. HOLT. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Massachusetts (Mr. MARKEY).

This is much needed legislation, and I applaud the gentleman from Massachusetts and the gentleman from Connecticut for putting it forward. It really makes little sense for airport security to screen 100 percent of the carry-on baggage to the point of removing nail clippers and yet not screen all the cargo and baggage that is loaded into the belly of a plane. This amendment is really much needed and should be passed with strong bipartisan support, should also be implemented with strong financial support from the Federal Government.

My question for the gentleman from Massachusetts is, does he believe that down the road we can ensure that cargo loaded onto cargo planes will also be screened?

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

Mr. HOLT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, it is my intention, the gentleman from Connecticut's (Mr. SHAYS) intention, that once we close the loophole on passenger planes that allow for cargo to go on unscreened, then we will move on to the next step, which is the cargo that goes on cargo planes. But I think the first job is to make sure that passengers are protected and then in the next step, as the gentleman said, we will move on to do the same for cargo planes.

Mr. HOLT. Mr. Chairman, that will be safer for the public and the workers of the airline industry, and I thank the gentleman for his answer.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the chairman of the subcommittee for yielding time to me.

I was in my office listening to this debate and came rushing over because I heard a couple of things during the debate that disturbed me. One was from the gentleman from Connecticut, who, in response to an observation by the chairman, said he does not believe that the technology does not exist today to do what their amendment seeks to do. I believe that and I believe that to be true.

The other observation was there was reference made to the folks in the gallery who came here, and the observation was they probably do not know that the cargo that goes into the belly of their passenger plane is not screened. I would venture to say that most people that get on passenger planes do not even know that they are carrying cargo. Most people that get on passenger planes, however, also do not know that it is the cost of the cargo, the money that the airlines make relative to the cargo shipments, that enable them not only to have cheaper fares but also enable them to fly to small areas.

Just citing one airline that is headquartered in Cleveland, Ohio, an area that is near and dear to my heart, if this amendment were to pass, I have been advised 67 jobs would be lost at that one airport by that one airline. For that one airline, $325 million in revenue would have to be made up in higher and additional fares. And service to smaller communities, again the folks in the gallery, if they live in New York or Chicago or Los Angeles, they can get home, but if they live in some of the smaller hubs, they are not getting home because there will be no service to those areas because their fares are subsidized by the revenues made up as a result of cargo shipments.

I have to say, Mr. Chairman, that, again, the chairman has done a good job in this bill. He has doubled the amount of belly cargo that is being inspected. From where we are today, 100 new inspectors are being added, research and development so that pilot programs going on down in Houston and other areas can continue to go. This is a well-intended amendment. I think we all want to get to 100 percent, but it is a wrong-headed amendment because the technology that they seek to impose does not exist today.

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

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

Mr. MICA. Mr. Chairman, just to correct the record also, I would like the gentleman and the other Members to know, it was said in the beginning of this debate, also, that Pan Am 103 was brought down as a result of this situation, explosives in cargo. That is not true. It was explosives in luggage.

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

Mr. SHAYS. Mr. Chairman, I have been listening to this debate trying to understand what kind of contribution I can make and what kind of things we are listening to, and I feel that three of the most respected Members of Congress, I respect for their knowledge on this issue, are saying things that, if true, are more shocking than what I thought was the case. I mean we have a Member of Congress who basically has said that it is foolish to deal with cargo admittedly for the money and the technology, which are valid reasons that I understand, but because we do not even really check the baggage on the belly of aircraft that we say we do but we do not. And I do not know how to process that because I tell my constituents that we are doing that, and I am not aware of any request on this floor by this chairman or anyone else who has said we need this amount of money to fulfill that act. If that is known by some in some committee, then let us debate it on the floor.

□ 1430

Because it is my understanding that we checked the baggage on the belly of an aircraft for explosives, and if we do not, I think we should say where we do not and how long it is going to take and why we are not conforming to the law; and then all of us need to deal with that. That is fair, but to use that as an argument for then not checking the cargo that goes on the belly of an aircraft on a passenger plane to me is just like a weird argument.

Now, if we cannot check big packages, then let us check small packages. If we cannot do it this year, then let us have in the law that it will be done by this time. Let us not just be so casual about it that we just say, well, we went from 5 percent to 10 percent, and we need more time to do the technology.

So what I was thinking as I was sitting here is that what I would like to do if this amendment does not pass or if it passes and gets lost in conference, I want to come in with an amendment, and it is going to be truth to the passenger, and it is going to spell out to the passenger in plain, simple language what is the risk when they fly.

In other words, I think if a plane has not been checked for explosives in the belly of an aircraft that is baggage, then tell them; and if that has been but we have cargo and 20 percent of this cargo or 30 percent of what is in the belly of the aircraft is cargo and has not been checked, then tell them. I know what I know. I will not fly that aircraft, and then I will like to know, and maybe others will, maybe we will just have to suck it up and be brave, but I think it is not safe. And I am living with the fact that someone in my district found out in the middle of the day that maybe her child was on Pan Am 103, and I was at her home at 11:30 at night when it was confirmed and this was her best friend, her daughter.

Mr. ROGERS of Kentucky. Let me inquire of the gentleman from Massachusetts (Mr. MARKEY), is the gentleman the last speaker?

Mr. MARKEY. I will be the last remaining speaker, yes, sir.

Mr. ROGERS of Kentucky. Mr. Chairman, I will yield myself the balance of our time.

Mr. Chairman, our gentleman friend from Connecticut (Mr. SHAYS) I thought needs an answer to the question he raised. What are we doing about cargo on passenger planes? What are we doing about it, and where are we?

Well, at the moment we physically inspect a certain percent of all cargo

on passenger planes. That percentage is a law enforcement-sensitive number, and we cannot talk about it publicly, but it is a percentage that we actually physically inspect.

The rest cannot be put on a plane unless it has been certified by the government to come from somebody we know, a FedEx or UPS or some other known shipper, a Toyota, GM, where we have gone to that shipper and put them through a rigorous examination so that we know whether or not they are reliable and their chain of supply, their security of supply has been checked.

We are developing machinery, however, to be able to take the place of all of that. The machinery is just simply not there yet. It is being developed, and in the bill we appropriate $118.5 million for air cargo security. It is an enormous figure. That is $33.5 million more than we spent this year or that the President requested. We topped everybody in that respect. And $75 million of that is going to develop new technologies.

One of these days we will have machines that will do for cargo on passenger planes what we do for baggage on passenger planes. We simply do not have it yet. We are working on it and working on it very quickly.

But in this bill in the meantime we say, okay, we want to double the number or the percentage of air cargo that is physically checked, double it this year. We provide additional cargo inspectors for that purpose. We provide canine teams to help with the inspection of air cargo, and we provide $20 million more to make further enhancements to the known-shipper program and implement a new cargo rule.

Now, if this amendment passes, I am sad to say I do not think the airlines will make it. If we prohibit all passenger cargo, as the gentleman from Florida (Chairman MICA) has said, we are taking away $3.5 billion in income to the airlines that are barely hanging on now. 27,000 jobs are involved here. We do away with the capability of the Nation's economy to have just-in-time delivery, upon which the country, in fact the world, runs.

So I urge Members to be careful if we want to vote for this amendment. That is the safe thing to do, of course; but the responsible thing is to vote ''no.'' We are doing all we physically can do at the moment, and it will not help any if we shut down the airlines.

Mr. Chairman, I urge a ''no'' vote on the Markey amendment.

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

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

Mr. Chairman, let me begin by saying that Pan Am Flight 103 over Lockerbie did go down, but it went down because a package this size was not screened in the baggage. We now mandate that all baggage be screened. We closed that loophole, but the reason the Pan Am 103 families endorse the Markey-Shays amendment and have sent a letter to Congress endorsing it is because they know that this same package in the cargo is not screened on passenger planes. The Pan Am 103 families endorse this amendment.

Secondly, the technology already exists. The Israelis screen cargo. The United Kingdom screens cargo. The Netherlands screens cargo. Australia, Singapore, Spain, Hong Kong, Italy, they already screen the cargo which goes onto passenger planes; and there are American companies lined up to do the job. American Science and Engineering, Incorporated, L3 Security and Detection Systems, Raytheon Cargo Screen, they all say they are ready to go to deploy the technology today. It is not a question of technology. It is a question of money. The same argument was made right after September 11: we do not have enough money to screen the bags of every passenger going on planes.

Well, we do not have enough money not to do it, because the next plane that goes down is going to cripple the American economy. That is the price of leaving a loophole that could lead to an explosion on a plane. That is the price our country is going to pay, and it is going to look like one cent on a hundred dollars if it happens.

We cannot afford to allow this kind of loophole to exist. This known-shipper program, it is not even certified by the Federal Government. The Federal Government lets the airlines decide who these shippers are, who put these packages on without even screening. It is not even a Federal Government program; it is an airline program. That is no security for the American flying public.

These people who fly into Washington as tourists, people going on vacations, they should not have to be putting their families on planes with cargo this size or this size, that has not been screened, even as they have been forced to take their nail clippers out and have them confiscated. It is wrong.

The Markey-Shays amendment should pass. If you want to see security on the airlines of our country, if you want to avoid another airline disaster in our country that will cause an economic catastrophe, vote ''aye'' on the Markey-Shays amendment.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Markey/Shays/Conyers/Turner amendment. More importantly, I rise in support of increased security for air travelers across the country. Screening air cargo on passenger planes is a critical element in protecting the public, and there is no excuse for allowing this glaring loophole to persist.

With the summer travel season upon us and air travel nearing pre-9/11 levels, this issue gains urgency by the day. Every day, and at every airport, unscreened cargo is loaded on to a passenger planes, placing the traveling public, airline employees and airport workers at risk.

We have spent billions of dollars and asked Americans to endure long waits and countless inconveniences in order to ensure safe air travel. The failure to inspect cargo on passenger planes flies in the face of these security investments and threatens to make all our efforts for naught.

But it doesn't have to be this way. The technology exists to close this security gap, but the will apparently does not . . . and I can't for the life of me understand why. It is long past time to address this issue and stop placing millions of travelers at risk.

I urge my colleagues to give the Markey/Shays/Conyers/Turner amendment the resounding victory it deserves, and give the American people the security we have promised.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in opposition to this amendment. Let me be clear. I do not believe any law maker is against the need to make our homeland safe. However, I have always been and will continue to be a strong advocate for improving the security of our homeland especially at our nation's airports, but I do not believe in creating additional unfunded federal mandates.

I represent the Baltimore-Washington International Airport and I am very familiar with these issues. I believe the security of aviation is a critical component in protecting our homeland and air cargo is a significant concern. I fully support the need to protect our airports, the people who fly in and out of them, the people who work in the airline industry and the goods and services that are transported by planes. Aviation security is key to our way of life, our business and leisure travelers, and our nation's commerce. On that point, I think we can all agree.

We can also agree that air cargo security deserves an equal amount of attention and problem solving to make it a safe way of doing business. We need to ensure that air cargo is safe so business can proceed. The air cargo industry and airports have worked hard since September 11, 2001 to recognize potential risks and threats, and to make air cargo more secure. Have we done enough? Probably not. Do we still need to do more? Absolutely. That is not the debate before us today.

The next question becomes what is the best solution. On this, I do not believe this amendment is the right way to improve air cargo. I commend my colleagues for their hard work to correct risks associated with air cargo, but I am concerned about the creation of further unfunded federal mandates on an industry so vital to the American economy. There are still so many questions about the feasibility and cost of available technology. Each airport has different challenges and there is no one-size-fits-all solution to any homeland security issue, including air cargo.

This amendment would effectively double the amount of air cargo to be screened and inspected without providing any sort of financial relief for equipment, technology, infrastructure or personnel to do so. The aviation industry did not create the problems we face in homeland security and I do not believe they should shoulder the entire burden of correcting it through further unfunded mandates. Throughout my entire political career I have stressed the need for partnerships to solve problems and the federal government must partner with industry to address the needs of homeland security. The Constitution tasks the federal government with protecting Americans and we cannot fulfill that responsibility by simply creating new mandates for the aviation industry

to comply with. We need to work together in commitment and resources.

The 2005 Department of Homeland Security Appropriations bill does recognize and address the challenge of air cargo security risks. It substantially increases research and development funding for new technology that will ultimately make comprehensive cargo screening feasible. It is an important and fiscally responsible step in the right direction to tackle an enormously complex issue. All Americans want the safest environment we can create, but we must do it in a logical way that does not unduly burden the aviation industry or impede national commerce.

I believe this amendment is placing the cart before the horse and we should let the R&D money provided for in this bill do its work. I will continually fight to keep the Maryland 2nd Congressional District and this nation more secure. I believe we need to do more with airport security but I do not believe this solution is the right one.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

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

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

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

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $895,476,000.

Mr. KING of Iowa. Mr. Chairman, first of all I want to congratulate the chairman of the committee and all of the committee members for their hard work on this bill and the many improvements that have been put in for homeland security. We are getting better at this. We are just not as good at it as we need to be.

My amendment reduces the appropriation by $895,476,000. That is the President's number, the President's request.

I point out that the President has been our lead warrior on the war on terror. He came out and identified our enemy the first week after September 11, he set forward a path on how to go about addressing al Qaeda and the terrorists around the world, he sent troops into Afghanistan, he sent troops into Iraq. We have over 50 million people that are free today. America is a safer place.

Our question that is before this Congress today is the question of do you spend your resources on the tip of the spear, or do you spend your resources back here at home? Do you spend your resources on ambulances, fire trucks, metal detectors and do you spend them also on training facilities for emergency responders? Or do you put that money in a proactive way and preempt the terrorists attacks that are bound to come. To find that balance is what we are seeking to do.

The waste that is in the budget, I can identify a significant amount of dollars there are tied up in the bureaucratic regions of the Department. It is hard to get to this through a Waste Watchers program. It is hard to identify it and say we are going to ding your budget by $5 billion or $10 billion or $86 million or $895 million, as this amendment does. But the way you do that is you reduce the spending and the bureaucrats have to go and find that.

So the question is, are we going to clean up after the disaster, or are we going to spend the money preventing the disaster? Is it going to be the clean up crew that will be the tip of the spear?

We have seen this budget grow from 2003 to 2004 by 30 percent. Now we see it grow again from 2004 to 2005 by 9.4 percent.

This is the President's budget. The President has been leading us in the war on terror, and I believe we can have confidence that he has the ability to set this budget and provide adequate resources.

Mr. Chairman, having made my statement, I ask unanimous consent to withdraw this amendment.

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

There was no objection.

AMENDMENT NO. 13 OFFERED BY MR. SHERMAN

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

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

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SHERMAN:

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

SEC. ____. None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran.

Mr. CAMP. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Michigan reserves a point of order against the amendment.

The gentleman from California is recognized for 5 minutes.

Mr. SHERMAN. Mr. Chairman, this amendment would prohibit Customs and APHIS from expending any funds to process any import from the Islamic Republic of Iran into the United States. The amendment would effectively reverse a decision made in the year 2000 by a Clinton administration order, which partially lifted what was then our total embargo on Iranian imports.

This has created a circumstance where we import from the Islamic Republic of Iran roughly $150 million of goods. We do not import any oil or other petroleum or energy products from Iran. That is prohibited by existing law. Instead, we import caviar and carpets. So the question before us now is whether we wish to put economic and symbolic pressure on the government in Tehran.

Well, let us examine that government's behavior. It is developing nuclear weapons. It is only a couple of years away, perhaps, from having an atomic bomb. Its cooperation with the IAEA was found inadequate by the IAEA Board. Even its so-called reformist leaders have decided to support this nuclear program.

Why? Because they know that they can move forward with their nuclear weapons program without paying any economic cost, and they are able to go in a complex political situation to the people of Iran and say, Don't worry that we are developing nuclear weapons. We will suffer no economic cost.

□ 1445

We will be part of the world community, and they are able to point to the fact that even the United States imports from Iran as proof that they pay no economic price for their behavior.

In addition, the government in Iran has been identified by the State Department in its Patterns of Global Terrorism Report as the number one state sponsor of terror. Iranian agents are working to kill our people in Iraq. Iran is harboring al Qaeda senior officials, including one of bin Laden's sons. Iranian agents, along with al Qaeda, working in tandem, are responsible for the 1996 Khobar Towers bombings that killed 19 Americans.

What more does the government of Iran have to do? Cooperate with al Qaeda, shelter al Qaeda, kill Americans. It is still not enough for us to stop importing their goods. And what are these goods that are so critical to us? Caviar and carpets.

It is time for us to use the levers we have to put pressure on this regime. It is time to go to the Iranian people that are growing weary of rule by the mullahs and say they are costing you something: your ability to do business with the world is being impaired.

These foreign policy adventures are a domestic issue to the people of Iran because they are foreclosing trade. Only when we cut off imports from Iran will we then be able to turn to our European and Japanese friends and urge them to do the same, at least until the government in Iran changes its behavior in these two critical areas: the development of atomic weapons and terrorism.

Keep in mind that terrorism will continue if we do nothing. Keep in mind, those atomic weapons can be smuggled into our country; they are no larger than a person. And then the government in Iran can make that phone call and tell us that they have an atomic bomb in this apartment building or that one.

Let us do something. This is the only time this year that this Congress will be able to stand and say, we want to put some pressure on the government of Iran. This is the only policy available to the United States short of invasion, which is not in the cards, to say that we want to do what can be done to convince the people and government of Iran that they pay a cost for supporting terrorism and that they pay a cost for their failure to cooperate with the IAEA.

So make your decision: should we continue to have business as usual with a government that is killing us and that is building the devices to kill us by the millions?

POINT OF ORDER

Mr. CAMP. Mr. Chairman, I raise a point of order against the Sherman amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman will state his point of order.

Mr. CAMP. I raise a point of order against the Sherman amendment to this bill, H.R. 4567, on the grounds that this amendment violates clause 5(a)(2) of House Rule XXI because it is an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff. Specifically, this amendment would prohibit the use of funds provided by the act for processing the importation of any articles from Iran. Processing imports is part of administering a tariff. Therefore, this amendment would limit the funds in a general appropriations bill for the administration of a tax or tariff in violation of clause 5(a)(2) of rule XXI.

The CHAIRMAN pro tempore. Are there any other Members wanting to be heard on the point of order?

If not, the Chair will rule.

The gentleman from Michigan raises a point of order against the amendment offered by the gentleman from California on the grounds that it violates clause 5(a) of rule XXI.

In prior Congresses, clause 5(a) of rule XXI provided a point of order against carrying a tax or tariff measure on a bill not reported by a committee having such jurisdiction. At the beginning of the 108th Congress, clause 5(a) was amended to particularize its application to an amendment in the form of a limitation on funds in a general appropriation bill for the administration of a tax or tariff.

The Chair is of the opinion that the change in clause 5(a) affects today's proceedings in one significant way:

The new version of clause 5(a) enables a point of order against limitation amendments addressing the administration of a tariff whether or not the maker of the point of order can demonstrate a necessary and inevitable change in tariff statuses or liabilities or in revenue collection. More on that matter can be found in section 1066 of the House Rules and Manual.

In the present case, the chief impetus for the processing of imports from Iran is tariff law. The Chair therefore holds that the limitation on funds to process imports from Iran is necessarily a limitation on funds for the administration of a tax or tariff within the meaning of clause 5(a) of rule XXI.

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

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill insert the following section:

SEC. ___. PROHIBITION AGAINST USE OF FUNDS TO ENTER INTO STATEWIDE CONTRACTS FOR SECURITY GUARD SERVICES.

None of the funds in this Act may be used by the Federal Protective Service to replace any existing contract for security guard services with statewide contracts for security guard services.

Ms. VELÁZQUEZ. Mr. Chairman, small businesses need opportunities. Repeatedly, small businesses have demonstrated that they can provide the government a superior product at an affordable cost to taxpayers.

Unfortunately, small businesses are seeing their opportunities dwindle as agencies place expediency over job creation in our local communities and what is best for the American taxpayers. The cost of this is the creation of mega contracts that are so big that only big businesses in corporate America can compete. What they are telling American small businesses is that the $285 billion Federal marketplace is not open to them.

When President Bush took office, he promised to change this and to open the Federal marketplace to small businesses. Even 2 years ago, during Small Business Week, he issued a small business agenda and made contract bundling his top priority. Since taking office, not only has he done nothing to change this, but this administration has failed to meet any of the small business goals set up by Congress. This is outrageous.

Today's legislation is a perfect example of that. This Department was created by the President and was supposedly to do things in a new way. What we are seeing here is business as usual. The most recent example is this regional security contract that currently is being done by small business securities firms across the country. Homeland Security is currently in the process of bundling this contract so large that probably three firms, one of them not even an American firm; so now, we are going to turn security over to foreign companies, and none of the small businesses will be able to provide the service. This will result in the loss of thousands of jobs in communities across the country at a time when job creation is still struggling.

My amendment will stop the Homeland Security from bundling contracts that will steal opportunities from small businesses and ensure that small businesses will continue to provide the services that they have done so well.

I urge the adoption of this amendment.

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

This is the first time we have seen this amendment. It is brand-new to me. We have not had a chance to discuss the matter with the gentlewoman.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the problem is that I was just contacted by one of the small business firms that has provided these services who is going to go out of business, and he contacted me yesterday.

Mr. ROGERS of Kentucky. Well, I understand the gentlewoman, and I appreciate the predicament that she is in on this.

It also puts us in a predicament because I do not know the ramifications of the amendment. It could have some very significant national unintended consequences that I have not had time to think about. So I wish we could work with the gentlewoman. Rather than bring this to a vote, perhaps if the gentlewoman would reconsider.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman will further yield, I am not prepared to do that at this point, because in the past, like in Homeland Security, I introduced an amendment where 23 percent of any monies spent by DOD in the reconstruction of Iraq will go to small businesses. During conference it was taken out. So time and time again, when we have an opportunity to help small businesses through the legislative process, they are being shut out.

Mr. ROGERS of Kentucky. Well, Mr. Chairman, reclaiming my time, then I have no choice but to oppose the amendment. I want to help the gentlewoman, but if this is the attitude, then we will just have a debate here and let the vote take place, and it will be one way or the other and over with.

So I would hope that the gentlewoman would reconsider that.

But nevertheless, Mr. Chairman, I do not know the ramifications of this amendment. It could be devastating around the Nation for all I know, so I have to at the moment oppose it and oppose it vigorously.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, it is just simply outrageous that if these securities have been performing these types of services by small businesses, that Homeland Security, despite the goals that have been set up by Congress, and despite the fact that the President made a commitment to small businesses of making contract bundling his top priority, that now Homeland Security is going to bundle this contract, putting so many small businesses out of business.

Mr. ROGERS of Kentucky. Mr. Chairman, reclaiming my time, if the gentlewoman would give me time to work

with her on this, I will be happy to do it, but this is the first I have known about it. I do not know the ramifications of the amendment the gentlewoman filed nationally. It could very well be very expensive nationally; it could cost the government a lot of money. It could set a bad precedent to predetermine the most efficient way of contracting. How does it help? How does it hurt? I do not know. So I have to oppose it until we know more about it.

So I would hope the Members would reject the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York. (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2005''.

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

Mr. Chairman, I do that because I think we have reached the end of the amendment process here and are about ready to call for the votes on the amendments that have been rolled over. But before we finish, I wanted to take a moment to say some things.

It is a pleasure working with my colleague, the gentleman from Minnesota (Mr. SABO). He works hard. He is smart. He has a good level head. He is a reasonable person, and he is a joy to be around and a great help in constructing this bill. It truly has been a partnership as we built the bill. I want to give him a lot of credit for the work that has been done. Of course, the members of our subcommittee. We have a super bunch of people. All of them contribute. All of them participate in the public hearings and, of course, the closed briefings that are classified.

□ 1500

They keep those secrets secret. So we have got a wonderful subcommittee to work with. And I could not be more pleased to be a part of this team, as I will call it.

Then a big part of that team too is this staff. They are just wonderful. Michelle and all of the crew and the minority staff work closely together; and they work long, long hours on extremely complicated matters building a brand-new Department, breaking ground on entirely new concepts that we are dealing with in this whole country.

This is the second bill for the whole Department of Homeland Security, a new concept in Americans dealing with themselves and their country and the world. So we are plowing new ground. And this staff has just been wonderful in helping us all understand what it is we are dealing with and trying to come out with a proper result.

I appreciate so very much this staff on both sides of the aisle who have made this day possible.

Mr. Chairman, thank you for presiding over these proceedings as you have. We appreciate it very, very much.

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

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

Mr. SABO. Mr. Chairman, I thank the gentleman for his kind comments. Let me say he is a pleasure to work with. He is a very knowledgeable, hard-working chairman, and he does an exceptional job as he has in heading two other subcommittees in this House. He is a long-experienced chairman. We do have good subcommittee members and a great staff on both sides of the aisle. It is a pleasure working with the gentleman and the staff and the other members of this subcommittee.

We have our differences, but I think we also have a good product. I thank the gentleman.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. SHIMKUS). 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 by the gentlewoman from Texas (Ms. JACKSON-LEE); the amendment by the gentlewoman from Connecticut (Ms. DELAURO); amendment No. 1 by the gentlewoman from California (Ms. ROYBAL-ALLARD); the amendment by the gentleman from Colorado (Mr. TANCREDO); amendment No. 9 by the gentlewoman from New York (Mrs. MALONEY); the amendment by the gentleman from Minnesota (Mr. SABO); amendment No. 10 by the gentleman from Massachusetts (Mr. MARKEY); the amendment by the gentlewoman from New York (Ms. VELÁZQUEZ).

The Chair will reduce to 5 minutes the time for any electronic voting after the first vote in this series.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 269, not voting 27, as follows:

[Roll No. 267]

AYES—137

Ackerman
Alexander
Andrews
Baca
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Edwards
Engel
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Lantos
Larson (CT)
Lee
Lowey
Majette
Maloney
Marshall
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Moore
Nadler
Napolitano
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Skelton
Slaughter
Solis
Spratt
Tanner
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—269

Abercrombie
Aderholt
Akin
Allen
Bachus
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Feeney
Ferguson
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston

Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Matheson
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Greenwood
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lewis (GA)
Lipinski
Menendez
Quinn
Reyes
Smith (WA)
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1527

Mrs. TAUSCHER, and Messrs. SULLIVAN, TERRY, MORAN of Kansas, ROGERS of Michigan, NEAL of Massachusetts, VAN HOLLEN and MATSUI changed their vote from ''aye'' to ''no.''

Messrs. RANGEL, RAHALL, BLUMENAUER, MOORE of Kansas, and HOYER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 221, not voting 30, as follows:

[Roll No. 268]

AYES—182

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Bass
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Evans
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Green (TX)
Grijalva
Hayes
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
LoBiondo
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Vitter
Wamp
Waters
Watson
Weiner
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
English
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Walden (OR)
Walsh
Watt
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Buyer
Collins
Crowley
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Goodlatte
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lewis (GA)
Lipinski
Menendez
Pence
Quinn
Reyes
Smith (WA)
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1534

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CROWLEY. Mr. Speaker, during rollcall vote No. 268, I was physically present here in the Chamber. I voted for the bill before and the bill after, but was not recorded on that particular vote. Had I been recorded on that particular vote, after putting my card into the machine and taking it out and pressing the button, it would have been an ''aye'' vote for 268.

Stated against:

Mr. GOODLATTE. Mr. Chairman, on rollcall No. 268 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 1 OFFERED BY MS. ROYBAL-ALLARD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentlewoman from California (Ms. ROYBAL-ALLARD) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 163, not voting 28, as follows:

[Roll No. 269]

AYES—242

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baldwin
Barton (TX)
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Harman
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—163

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—28

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Pryce (OH)
Quinn
Reyes
Smith (WA)
Thomas
Waxman
Weldon (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are two minutes left in this vote.

□ 1542

Messrs. MCCOTTER, TAYLOR of North Carolina and DUNCAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 259, not voting 26, as follows:

[Roll No. 270]

AYES—148

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Carter
Chabot
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Dreier
Duncan
Emerson
Feeney
Flake
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Greenwood
Gutknecht
Harris
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Barton (TX)
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boswell
Boucher
Boyd

Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Smith (WA)
Thomas
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1550

Mr. BONILLA, Ms. HARRIS, and Messrs. TURNER of Ohio, GILCHREST and OSE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 292, not voting 28, as follows:

[Roll No. 271]

AYES—113

Ackerman
Alexander
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Conyers
Cooper
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
Delahunt
Dooley (CA)
Doyle
Engel
Eshoo
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gephardt
Gonzalez
Green (TX)
Grijalva
Harman
Hinchey
Hoekstra
Holt
Houghton
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (MN)
King (NY)
Lantos
Larson (CT)
Lee
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Payne
Pelosi
Porter
Rangel
Reynolds
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Solis
Stark
Sweeney
Tancredo
Tauscher
Thompson (CA)
Towns
Van Hollen
Velázquez
Watson
Weiner
Woolsey

NOES—292

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Evans
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Holden
Honda
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Saxton
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Two minutes remain in this vote.

□ 1558

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SABO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. SABO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 205, not voting 29, as follows:

[Roll No. 272]

AYES—199

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

NOES—205

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

NOT VOTING—29

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hobson
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1605

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 211, not voting 31, as follows:

[Roll No. 273]

AYES—191

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Baldwin
Bass
Becerra
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Conyers
Cooper
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Eshoo
Etheridge
Evans
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gordon
Green (WI)
Grijalva
Harman
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Payne
Pelosi
Pitts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons

Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Watson
Watt
Weiner
Wexler
Woolsey

NOES—211

Akin
Allen
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berkley
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Clay
Clyburn
Coble
Cole
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Feeney
Filner
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (OH)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ruppersberger
Ryan (OH)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Greenwood
Gutierrez
Harris
Hastings (FL)
Hoeffel
Isakson
John
Kaptur
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1612

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 205, not voting 27, as follows:

[Roll No. 274]

AYES—201

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

NOES—205

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
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
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members

are advised 2 minutes remain in this vote.

□ 1619

Mr. TANNER and Mr. KLECZKA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DREIER. Mr. Chairman, I rise today in strong support of H.R. 4567, the Homeland Security Appropriations bill for fiscal year 2005. Specifically, Congress continues to provide significant homeland security dollars for State and local governments, which is essential in our ongoing global war on terror. Since September 11, 2001, Congress has provided $26.7 billion to first responders, thus far including training and equipment. While this is undeniably the greatest support our Nation's police, firefighters and other responders have seen, we continue to face challenges in distributing this funding in a fair and appropriate manner.

Chairman HAL ROGERS has accomplished a great deal by taking the helm of this new appropriations subcommittee and all its responsibilities, with the most recent success of streamlining the process of applying and receiving Federal funds for local governments with a ''one-stop shop,'' eliminating choke points and bureaucracy.

But we still have a fundamental challenge to tackle—and that is the disparity between States in receiving the first responder block grant. The bulk of first responder funds is distributed on a per capita basis, leaving the largest, most vulnerable States with the least amount of Federal resources. While we have achieved some balance with the concentration of the high-threat urban area grants, I believe we can and will continue to work toward even greater equity within the formula.

I look forward to working with Chairman ROGERS and all of my colleagues from urban and rural areas to ensure that as Congress continues to provide significant resources to our responder communities, that we do it in an effective and efficient manner.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in respectful opposition to the amendment offered by the distinguished gentleman from Massachusetts, my colleague on the House Select Committee on Homeland Security regarding the most serious issue of cargo security.

I agree with my colleague that we need to address the gaps that exist in the airline cargo screening process. However, at this juncture, because the complete screening of all cargo is an unfeasible undertaking, it is preferable that we continue the screening process as it is and instead set a deadline for airline carriers to devise an efficient and cost-effective plan and to procure adequate equipment to enhance the current process.

It is speculative at best that, under the text of our colleague's amendment, our Transportation Security Administration will actually be able to perform this tremendous undertaking. To impose a requirement to screen every item of air cargo carried on passenger airlines would dramatically increase costs for air cargo and eliminate cargo services to some communities and impose additional time and burden upon our economy and the already flailing industry.

Long term, this amendment would put some 655 jobs at risk at Bush Intercontinental Airport (IAH). These people will have nothing to do if 100 percent cargo screening is required and will be terminated. Service to small cities may be curtailed or even eliminated which would result in other job loss. It would be far more difficult to get goods out of Houston as there is not enough belly space in FedEx and UPS or on rail or by truck to cover it all. FedEx and UPS have been lobbying with us on this issue as they know they do not have enough space. The DHS Appropriations Subcommittee will require 20 percent random inspection of cargo (in the bill). H.R. 4567 provides for 100 new cargo inspectors and increased Research and Development funding.

At IAH Airport in Houston, there has already been implemented a costly demonstration project that involves pulse neutron analysis, so an additional burden would not be welcome at this time.

On May 6th of this year, I joined the distinguished gentleman from Massachusetts, along with the Ranking Member of our committee from Texas, Mr. TURNER, and Mr. ISRAEL from New York, Member of the House Armed Services Committee, in introducing legislation on behalf of House Democrats to improve aviation security throughout the United States—the Safe PLANES Act.

The bill covers areas such as strengthening the screener workforce at the Transportation Security Administration (TSA), installing explosive detection equipment and other technologies across the Nation where needed, and the implementation of a plan to fully inspect all cargo on passenger aircraft, among others. It addresses the serious gaps that we recognize in our current aviation security plan that is currently being administered by TSA. The nature of the vulnerabilities require immediate changes and the implementation of improved plans to fully screen all cargo, even-handedly install equipment and technology in all airports, and increase the number of trained personnel where needed.

I contributed to the crafting of this legislation by drafting paragraph (a)(5) of section 6 entitled ''Aviation Security Technologies'' and paragraph (b) of section 7 entitled ''Inspection of Cargo Carried Aboard Passenger Aircraft.'' Paragraph (a)(5) of the first section calls for, in connection with a report requirement made to accompany the Department of Homeland Security's (DHS's) fiscal year 2006 budget request, the gathering of information that reveals the Federal and airport security personnel's capability of operating screening equipment and technology—speaking to the question of equipment interoperability and staff competency to operate equipment. Paragraph (b) of the second section requires the Secretary of DHS to transmit to Congress a summary of the system implemented to screen and inspect air cargo in the same manner and degree as that employed to screen and inspect passenger baggage pursuant to section 404 of this provision. The language that I proposed seeks to uncover weaknesses in our airport security personnel as well as to give Congress a blue print with which it can better exercise its oversight duties with respect to the screening and inspection of air cargo.

The Safe PLANES Act, if passed, will give us an added layer of security for air cargo. We should work for its passage and take legislative initiatives one step at a time in order to ensure that we work effectively and without hurting the backbone of our economy—the workers.

For the above reasons, Mr. Chairman, I respectfully oppose this amendment and ask that my colleagues work to improve and pass the Safe PLANES Act.

Mr. REYES. Mr. Chairman, I want to discuss the bill before us today, H.R. 4567, the Department of Homeland Security Appropriations Act for 2005. I particularly want to discuss how certain provisions in this legislation would affect my district of El Paso, Texas, and the entire southwest border region.

While the bill provides an overall funding increase of about 9 percent over last year for all homeland security activities, there are certain areas in the bill where we must do better. For example, H.R. 4567 provides only a little more funding for customs and border protection activities than is necessary to keep pace with inflation, and actually provides less funding than last year for citizenship and immigration services.

A Democratic proposal to add $3 billion to the bill for urgently needed improvements to our homeland security was blocked in the Appropriations Committee. This contingency fund would have given us additional resources to strengthen our border security, provide our first responders additional resources, and better protect against the threat of bioterrorist attacks.

I am very pleased, however, that the amendment offered by my colleague from Texas, Mr. TURNER, was accepted. The amendment would require an independent study to assess staffing needs at the border, giving us reliable data to help determine the required level and allocation of personnel at the border. It is a great step forward in ensuring that our border security needs are adequately addressed and funded.

Mr. Chairman, as we move forward with this legislation, it is my hope that we will increase funding for critical homeland security programs, to ensure that even in a time of fiscal constraints we are doing absolutely everything possible to keep our borders, and all of America, safe and secure.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Manzullo amendment to apply the Berry amendment to homeland security procurement. This is a common-sense and proven step to create American jobs and reward American companies.

For 30 years, the Berry amendment has protected critical defense-related industries in this country. It has helped to preserve manufacturing, textile and other American jobs, allowed domestic companies to flourish, and provided our Armed Forces with high-quality products that keep our military prepared and equipped to be the best in the world.

Having served America so well for defense procurement, it makes perfect sense that the Berry amendment should now be extended to homeland security. U.S. companies have been instrumental in ongoing efforts to protect airports, equip first responders, deploy cutting-edge technology to hospitals, and so much more. Rewarding their patriotism and hard work with procurement protections is the right thing to do.

I also want to note that the Manzullo amendment would allow waivers of the Berry amendment when needed items cannot be procured domestically and would not place any of our current or future homeland security operations at risk. What it would do is say to American companies and American workers

that we appreciate their efforts and welcome their partnership as we work to protect our citizens.

The Berry amendment is a tested means of supporting domestic businesses while they support us. I hope my colleagues will support Congressman MANZULLO's amendment and extend this important provision to homeland security procurement as well.

Ms. HARMAN. Mr. Chairman, although I have reservations about some of the priorities reflected in this Homeland Security funding bill, it is important legislation and I intend to support it. But, Mr. Chairman, I understand that the appropriations process is about priorities. That being the case, I'd like to talk about some of the priorities that, in my view, have been overlooked in this legislation.

Like every parent, the first thought that raced through my mind on 9/11 was of my children. Where were they? Were they safe? How could I reach them, or they me? Given the likelihood that an emergency could occur while our kids are at school and parents are at work, teaching age-appropriate skills about how to respond is critical. Growing up during the Cold War, I remember the drills, and sharing what I learned with my parents and younger brother.

Such training is needed today. And there is a program in California, Mr. Chairman, known as FLASH, which is specifically designed as a public school curriculum to teach students, parents and teachers how to prepare and respond in the event of a terrorist attack or natural disaster.

I am very disappointed that the bill does not include modest funding for implementation of a Federal version of FLASH. Surely, a program of such obvious importance should be able to find a home in the Federal Government. I hope that before the end of this Congress, my colleagues will adjust their priorities and fund a Federal pilot-program that mirrors California's FLASH program, along the lines of H.R.——.

Another priority of America's hometowns is providing our local police, fire and emergency personnel with the tools they need to protect us. One of the most important of those tools is interoperable communications—ensuring the ability of our first responders to communicate with one another. Interoperability is more than a public safety issue. It's a national security issue, and to our first responders it can be an issue of life or death. Thousands of lives are potentially at stake. We have all heard the tragic stories of firefighters who died in the World Trade Center on 9/11 because NYPD helicopters circling overhead could not radio them that the towers were glowing and beginning to collapse.

This bill falls short of meeting America's interoperability needs, providing just $21 million for programs that help facilitate communications for first responders. I urge my colleagues to at least double funding for first responders in conference, and I hope we will soon be bold enough to overcome opposition to make needed emergency spectrum available by 2006, the date it was promised.

Finally, Mr. Chairman, it is imperative to complete the national threat and vulnerability assessment, required by law and central to creating one integrated strategy for homeland defense. With a real understanding of our security needs and vulnerabilities, based upon a comprehensive assessment, funds would naturally flow to those regions and priorities that provide maximum security to the American people. This bill is necessary, but it could be better. In light of the serious threats we face, we must do better.

Ms. MCCARTHY of Missouri. Mr. Chairman, I commend the members and staff of the Appropriations Committee for their work on the FY 05 Department of Homeland Security Appropriations Act. Securing the resources we need for this country's long term war on terrorism is a formidable task; one we must accomplish in a bipartisan manner. I support the appropriations bill before us today, but I remain concerned with the inadequate levels of funding for first responders, interoperability and port security. The American people depend on homeland security, and we must find the means to provide the resources needed to protect our communities.

As the Ranking Member of the Intelligence and Counterterrorism Subcommittee of the Select Committee on Homeland Security, I support the funding needed by the Department of Homeland Security (DHS) to provide accurate and timely intelligence assessments. Unfortunately, this bill reduces funding for first responder programs at DHS from the current $4.4 billion funding level to $4.1 billion, a cut of $327 million below the 2004 enacted level.

First responders must have the resources they need to do their jobs. My firefighters, police and emergency workers tell me that they have difficulty communicating with each other because of incompatible equipment. This problem affects first responders throughout the country and it is unacceptable. Adequate funds must be available to adequately equip our Nation's first responders.

Missouri has the seventh largest highway system in the Nation and the second and third largest railroad terminals in the Nation. Port and transportation security is crucial to our Nation's economy. Six million cargo containers enter U.S. ports every year, but only about 5 percent of these containers are ever screened. This appropriations bill fails to adequately fund port security and freezes funding for port security grants at the 2004 level of $124 million.

Mr. OBEY, Ranking Member on the Appropriations Committee, attempted to counter these shortfalls with an amendment to H.R. 4567. Mr. OBEY's amendment would have created a $3 billion contingent emergency fund for homeland security. Even though this emergency funding would be contingent upon the President requesting it, the amendment was rejected by Republicans on the House Rules Committee. The rejection of Mr. OBEY's amendment prevents a more secure America, and seriously weakens the legislation.

Mr. TURNER, my distinguished colleague and Ranking Member on the Select Committee on Homeland Security, has pointed out that our annual spending on homeland security amounts to less than one half of one percent of our Nations Gross National Produce (GNP). He also points out that since 9/11, we increased spending on the agencies which make up the Department of Homeland Security by approximately $15 billion. At the same time, our defense budget has increased by approximately $100 billion. I strongly agree with Mr. TURNER that as we devote resources to winning the war on terror abroad, we must also invest in our homeland security needs here at home.

I urge my colleagues who will reconcile the House Appropriations Act in joint conference with the Senate to agree to adequate funds for our emergency responders nationwide.

Mr. TOWNS. Mr. Chairman, if I might ask the subcommittee leadership a question related to the public health provisions in the bill.

We are all aware of the blood shortages that call our attention to the fact that the United States does not have sufficient blood supplies to meet the country's normal daily blood needs. What is more alarming, however, is that in this new age of terrorism the United States does not have sufficient blood reserves to meet the critical demand that would occur in the event of an emergency or terrorist attack. As the Homeland Security Appropriations legislation moves forward to a House-Senate conference, it is important that we recognize the need to address this pressing national security issue as well. I would ask that the Committee leadership include language in the final measure that would create a National Blood Reserve, based on the recent recommendations of the Interorganizational Task Force on Domestic Disasters and Acts of Terrorism. The recommendations would strengthen our Nation's blood supply and ensure the health and welfare of our citizens.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore 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, pursuant to House Resolution 675, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 5, not voting 29, as follows:

[Roll No. 275]

YEAS—400

Abercrombie	Bartlett (MD)	Bishop (UT)
Ackerman	Barton (TX)	Blackburn
Aderholt	Bass	Blumenauer
Akin	Beauprez	Blunt
Alexander	Becerra	Bonilla
Allen	Bell	Bonner
Andrews	Berkley	Bono
Baca	Biggert	Boozman
Bachus	Bilirakis	Boswell
Baldwin	Bishop (GA)	Boucher
Barrett (SC)	Bishop (NY)	Boyd

Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Berry
Capuano
Flake
Paul
Sánchez, Linda T.

NOT VOTING—29

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gephardt
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Isakson
John
Lipinski
Maloney
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

□ 1638

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I want to state that I incorrectly voted "no" on H.R. 4567, the Homeland Security Appropriations Bill. I intended to vote "yes."

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "yes" on the Roybal-Allard amendment (rollcall No. 269), "no" on the Tancredo amendment (rollcall No. 270), "yes" on the Maloney/Rangel amendment (rollcall No. 271), "yes" on the Sabo amendment (rollcall No. 272) and "yes" on final passage of the Homeland Security Appropriations bill (rollcall No. 275).

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on June 18, 2004. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 267, 268, 269, 271, 272, 273, 274, and 275 and "no" on rollcall vote 270.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, on Friday, June 18, 2004, I was not present for the following rollcall votes during debate on the Homeland Security Appropriations Act (H.R. 4567).

Had I been present, I would have voted "yea" for rollcall votes, 270—the Tancredo amendment and 275—Final Passage of H.R. 4567.

I would have voted "nay" on rollcall votes 267—the Jackson-Lee Amendment, 268—the DeLauro Amendment, 269—the Roybal-Allard Amendment, 271—the Maloney Amendment, 272—the Sabo Amendment, 273—the Markey Amendment and 274—the Velázquez Amendment.

REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–553) on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–554) on the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purposes of requesting of the majority leader information regarding the schedule for the week to come, and I yield to my friend, the gentleman from Texas (Mr. DELAY), the distinguished majority leader, for the purposes of giving us the schedule.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER), the distinguished whip, for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, we expect to consider additional legislation under suspension of the rules. We also plan to consider several bills under a rule: The Fiscal Year 2005 Department of Defense appropriations

bill; H.R. 4548, the Fiscal Year 2005 Intelligence Authorization Act; H.R. 3973, the Spending Control Act of 2004; and the Fiscal Year 2005 Energy and Water Development appropriations bill.

Finally, Mr. Speaker, I would like to note that we are expecting a very busy week leading into the July 4 district work period. We are likely to work some late nights and possibly late Friday afternoon. I repeat, for the Members listening, possibly late Friday afternoon as we work to resolve these important pieces of legislation.

I thank the gentleman for yielding me this time, and I would be glad to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the majority leader.

Mr. Speaker, the majority leader mentioned two appropriations bills scheduled for next week: Defense and Energy and Water. Can the gentleman tell us on what days he anticipates those bills to be on the floor, and does he anticipate that they will come to the floor under the customary open rules?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. We have not made a final decision as to when we might suggest that we place them on the schedule. Just as a possibility, we would put Department of Defense on the floor on Tuesday; Energy and Water might be later on, because we are working, trying to work with the Committee on Appropriations to make sure we are not on the floor when the committee is in markup.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. The second question was, under traditional open rules, can we expect to consider them under such rules?

Mr. DELAY. Definitely. I would see no reason why we would not traditionally have open rules on these appropriations bills.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that response and I thank the gentleman for that procedure.

With respect to the Intelligence Authorization bill, the gentleman has listed that bill for next week. Under what procedures will this be considered and, specifically, can the gentleman comment on whether the Democratic amendments will be allowed, including amendments in the nature of a substitute?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I do not want to speak for the committee, but I believe that on the Intelligence Reauthorization Act, I believe the committee will solicit all types of amendments and will have a very lengthy debate. I would anticipate there will be many amendments allowed on that bill.

On the Budget Enforcement Act, did the gentleman ask about that?

Mr. HOYER. The gentleman is anticipating me, and I will ask that. Can I ask one other question on the Intelligence bill first? Does the gentleman know, if we consider Defense on Tuesday, when does the gentleman think we would consider the Intelligence authorization?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I would anticipate that the Department of Defense appropriations bill would not take very long; it does not usually, and if that is the case, the Intelligence bill would follow right after that. It could be Tuesday if things go well. If they do not, then I would imagine the Intelligence bill would be on Wednesday.

Mr. HOYER. I thank the gentleman.

Now, on the PAYGO bill, or the budget enforcement legislation, we marked up a bill some time ago, the budget itself. On this enforcement act, will Democrats, Mr. Leader, be allowed to substitute on this very important legislation?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding, and as the gentleman can see, the chairman of the Committee on Rules is standing here. I do not want to spoil the surprise of the chairman, his announcement, but I believe that they do plan to solicit all types of amendments and substitutes. I do not want to prejudge their actions, but I do expect them to make in order a number of amendments.

Mr. HOYER. Mr. Speaker, reclaiming my time, would it be appropriate for me to perhaps address the question to the Committee on Rules chairman? I will not do so if the gentleman from Texas (Mr. DELAY) thinks at this point in time that is premature, but I will do so if the gentleman thinks it is appropriate.

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

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just say that the majority leader is absolutely right.

Mr. HOYER. About what?

Mr. DREIER. About absolutely everything.

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

Mr. HOYER. Mr. Speaker, I really would like to have an answer to the question, if one is available. I yield to the leader.

Mr. DELAY. Well, I will take the gentleman seriously. I was going to make a joke.

Mr. HOYER. Mr. Speaker, the gentleman from Texas can make a joke, and then we will get serious.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I was waiting for the chairman of the Committee on Rules to say that, or I thought I heard him say that the leader is always right.

Mr. HOYER. That is what he said. That is why I took it jocularly and moved on.

Mr. DELAY. Mr. Speaker, if the gentleman will yield again, I do not want to prejudge the chairman of the Committee on Rules or the Committee on Rules on what they would do, but I think, I think this budget enforcement process bill is a very important piece of legislation. It defines who we are and where we want to take this country, and I am saying, ''we'' the House and both parties, and I think a free and open debate should be warranted.

Mr. HOYER. Mr. Speaker, reclaiming my time, I very much appreciate the leader's view on that. I think we share that view. There are obviously differences on how to accomplish the objective but, clearly, the objective; that is, of ensuring a responsible management of the fiscal affairs of this country, is obviously of concern to all in this body.

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

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Let me say, as the majority leader pointed out, I am here to actually solicit from our colleagues those proposals about which my friend has just referred so that we do have an opportunity in the Committee on Rules to consider a wide range of alternatives, and then we will deliberate and we will make a recommendation to the House as to how we should structure the rule for consideration.

But my friend is absolutely right. We do want to have a chance to address what obviously is a very serious and important issue for us institutionally.

Mr. HOYER. Mr. Speaker, I thank the chairman of the Committee on Rules for his observation. As the gentleman knows, we were disappointed we did not get a substitute to the tax bill that was considered yesterday. With a substitute, we can offer alternatives in a way that we cannot necessarily via amendments.

□ 1645

We would appreciate and think it in the best interest of deliberations, whether one agrees or disagrees with the substance, that that process be followed; and we thank the gentleman for his consideration of that.

Mr. Leader, you have not listed, but I believe we do need to act, the transportation bill. You did not list it in your report, but would I be correct in anticipating that we would extend by some additional period of time the authorization or the existing transportation program? I yield to my friend.

Mr. DELAY. We have a number of extensions that have to be done next week, many we are working on with the other side; and on those, the welfare extension along with the highway extension, the child nutrition act extension, and maybe a couple of others that are really important to do next week. And we hope that in working with the minority that we can come to some sort of agreement on these extensions and put them on the suspension calendar on suspension days.

Mr. HOYER. That would be my question. Your anticipation would be that they would be agreed upon, that they would be on the suspension calendar?

Mr. DELAY. That is correct.

Mr. HOYER. I thank the leader for his information.

ADJOURNMENT TO MONDAY, JUNE 21, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 21, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3973, SPENDING CONTROL ACT OF 2004

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 21 to grant a rule which could limit the amendment process for floor consideration of H.R. 3973, the Spending Control Act of 2004. The Committee on the Budget ordered the bill reported on March 17 and filed its report with the House on March 19.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 6 p.m. Tuesday, June 22. Members should draft their amendments to the text of the bill as reported by the Committee on the Budget.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 21 to grant a rule which could limit the amendment process for floor consideration of H.R. 4548, the Intelligence Authorization Act for Fiscal Year 2005. The Permanent Select Committee on Intelligence ordered the bill reported on June 16, 2004, and is expected to file the report in the House on Monday, June 21.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. Tuesday, June 22.

Members should draft their amendments to the text of the bill as reported by the Permanent Select Committee on Intelligence, which is available for their review on the Web site of both the Permanent Select Committee on Intelligence and the Committee on Rules.

Members should use the Office of Legislative Counsel to make sure their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Delegation of the Canada-United States Interparliamentary Group:

Mr. HOUGHTON, New York, chairman;
Mr. DREIER, California;
Mr. SHAW, Florida;
Mr. STEARNS, Florida;
Mr. MANZULLO, Illinois;
Mr. SMITH, Michigan;
Mr. ENGLISH, Pennsylvania;
Mr. SOUDER, Indiana;
Mr. TANCREDO, Colorado.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND FIRST RESPONDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today I want to talk about a group of Americans that we do not always take the time to recognize, our Nation's first responders.

This group of brave men and women are our first line of defense against terrorist attacks and disasters. They are our dedicated firefighters, police, emergency technicians, and health care workers who are the first on the scene when disaster strikes.

First responders work around the clock to protect their communities. Unlike most working folks, they are always on call in case of emergency. In fact, many of these dedicated individuals died in the World Trade Center on September 11 because response was so effective they arrived at the scene and were scattered throughout the buildings when the buildings collapsed.

As we know, disaster requires the highest level of cooperation between different agencies, meaning the difference between lives lost and lives saved. Because conditions during major disasters are unpredictable, Mr. Speaker, first responders require the most advanced equipment to ensure that they are well protected: equipment including self-contained breathing units, protective clothing for hazardous situation, interoperable radio units so different groups and communities can communicate during a crisis, thermal imaging units so we can determine if people are stuck in buildings or trapped under falling debris, and trained, available health care workers and technicians adequately supplied with vaccines, medicines and provisions.

One would think that in a post-September 11 world, Congress would fully fund these response efforts; but that is simply not happening. In fact, the homeland security appropriations bill that came before this House today actually reduces funds for first responders.

Despite the majority party's rhetoric, their rhetoric of supporting first responders, most Republicans fully supported President Bush's 2005 budget proposal which would cut $800 million in grants to first responders. Talk about misplaced priorities. We are spending $5 billion every month for the war in Iraq, but cannot find the funds to provide $3 billion this year for our first responders in the homeland security bill; $3 billion is the amount needed to fully fund the programs that are necessary to keep them safe.

These are people who safeguard our most precious landmarks like the Capitol Building and the Golden Gate Bridge. Clearly our budget priorities are way out of whack when we cannot provide for those who selflessly protect their communities every single day. This, I believe, is travesty.

Every year we lose an average of 100 first responders to terrorist incidents and disasters. With better equipment,

more detailed interagency coordination, and more frequent practice exercises to prepare first responders for the real thing, many of these deaths could be prevented. But this requires adequate funding.

Mr. Speaker, there has to be a better way, a more intelligent way, a way to prevent the needless deaths of the men and women who are our first line of defense. And there is. I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stand for Sensible Multi-lateral American Response to Terrorism.

Instead of spending billions on new bunker buster nuclear weapons and the President's beloved missile defense system, which would not provide an effective defense against a full frontal missile attack, SMART security calls for stronger and smarter investment abroad in peacekeeping and conflict prevention programs, and at home a homeland security program that provides first responders with the equipment and tools they need to provide security to their community.

SMART security means supplying adequate funds for first responders. We should be providing them with the exact equipment they need, the exact equipment and tools they are requesting. The Bush doctrine of misplaced priorities has been tried, and it has failed miserably. It is time for a new national security strategy.

SMART security defends America by relying on the very best of America, including the brave men and women who offer their time, their bravery, sometimes their very lives, to provide the first line of defense in times of catastrophe. Being smart about our Nation's security means recognizing that real security starts at home with our first responders.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

THE BIG LIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, this administration is out of control. They have made obeying the law a thing of the past.

They have implemented ''the big lie'' theory of communications. This theory takes propaganda to a whole new level.

Under the big lie, you fabricate a story and call it the truth. You disseminate the story as widely as possible. You wrap the propaganda in the mantle of national symbols, and you prey upon the fears and emotions of your citizens. You repeat the propaganda every day in every way. You say it over and over and over again, knowing if you say it long enough people will believe it.

Anyone who dares to question the propaganda becomes the enemy. Any evidence to the contrary is hidden, called tainted or dismissed as the work of your enemies.

This is a portrait of America today painted by this administration. In the face of overwhelming evidence presented by members of its own party, the administration keeps reporting the same old false story. They say anything, and they have.

War Secretary Don Rumsfeld first told the American people, we do not have to abide by the Geneva Conventions. Then after Abu Ghraib he said, America supports the Geneva Conventions.

Now the truth emerges. Rumsfeld personally ordered an Iraqi suspect held in solitary confinement at a secret location for 7 months. The inmate was hidden from the International Red Cross and any other human rights organization. Rumsfeld made someone disappear. Rumsfeld personally committed a violation of the Geneva Conventions that is so egregious, it could qualify as a war crime.

Rumsfeld has not had time yet to blame some soldiers and throw them overboard like he continues to do with the soldiers in Abu Ghraib. And the blame game is in full swing over at the White House.

Now even members of the President's own Republican Party are joining me on the enemies list. The bipartisan 9/11 Commission issued a key finding: there is no credible evidence linking Iraq and al Qaeda to attacks on America. It is not there. Saddam was a thug, but not a bin Laden pal. The 9/11 Commission finding proves without any doubt that the President misled the American people about the war in Iraq. Instead of accepting the finding, the President went into full frontal denial today.

Presented with conclusive and compelling evidence, the President simply announced that he knows there was a link, so there is a link. A bipartisan commission of distinguished U.S. leaders whose only mission is to find out the truth on behalf of America is about to be neutered by the administration.

Facts? Forget them. The President knows the truth. He must have seen it in a vision. Evidence? Who needs evidence when you have a President who is all knowing? Undeniable conclusion? Deny it.

Then what do you do when you are this President and this administration? Next, and you can count on this, Republican storm troopers come into the House, will step to the microphone and denounce the commission. The Republican leaders in the House will denounce the members of the 9/11 Commission as partisan, even the Republicans on the commission.

In the big lie theory of communication you never let the facts get in the way of the propaganda.

□ 1700

So less than 4 hours after the 9/11 Commission tells America that there was no link between Iraq and the attacks, the President says otherwise. The charade goes on.

Over a year ago the President misled the American people and the world about Iraq, and he continues to do the same thing today. The President retreated from the war on terror and the hunt for Osama bin Laden to settle an old score against a family enemy in Iraq, but America has lost 800 U.S. soldiers in Iraq. America has seen thousands of U.S. soldiers wounded in Iraq. We have spent $200 billion.

The death, destruction and mayhem never had to happen. There are ways of dealing with Saddam, but the administration wanted blood from an old family nemesis.

The President has made the world more dangerous. The administration has made America look and act like a lawless thug. The War Secretary has made the world shudder with the awful truth seen in prisoner abuse pictures that no amount of rhetoric can deny. The big lie can make people afraid. The big lie cannot stop the truth.

America has seen and now America has heard. The President misled the American people about Iraq. The American people will respond in November. The 2nd of November is coming.

SPINNING 9/11

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, like most of America, we grieve today the loss of Paul Johnson, apparently beheaded by an al Qaeda-linked Saudi militant group. He was found today in the Saudi Arabian capital. He was an American contractor living in Saudi Arabia since 1980, a Floridian who was beheaded by these terrorists: immoral, barbaric, and demonic.

I know most Muslims, Christians and Jews would join me in the feeling that

these acts are offensive in the eyes of God. This murder had no purpose except to show that these cowards had one purpose, and that is to take an innocent life. They hid behind hoods and executed a citizen of this country who loved the people of Saudi Arabia, who enjoyed working in that country to help the people of Saudi Arabia, who was an innocent, decent, kind husband and father.

This was not an execution but a barbaric and demonic act of torture. If these sadists believe this type of action will unnerve America and weaken our resolve in our war against terror, they are both stupid, as they are wrong.

I take great exception to the speech by the gentleman from Washington moments ago who tries to conclude from the 9/11 report that there is no connection between al Qaeda and Iraq. It all is of the same vein and nature. The death of Paul Johnson, the death of Nicholas Berg, the retaliation against Saudi officials, the attempt to bomb the Jordanian intelligence service, the murder of hundreds of Spanish citizens peacefully on their way in Spain are all interconnected and intertwined.

He says there is no connection. I urge people to read the Wall Street Journal today and its editorial page because there is a lot of spinning going on. Maybe there have not been enough dots to connect yet so the gentleman comes out here and alleges that the President lied, that there is absolutely no connection. If he spoke any longer, I would have assumed he would have called Saddam Hussein just a sad, old, tired man who really should have been left alone to live in peace.

He killed a million of his own citizens. He said there is no link. A citizen of my county died from anthrax. He worked at National Media, the owner of National Enquirer. It is interesting that Mohammed Atta was living in Palm Beach County, a few miles from the facility in which that citizen died in Palm Beach County.

It is interesting, in the 9/11 Report, ''al Qaeda operatives trained in Iran, and al Qaeda helped Iran-backed Hezbollah terrorists obtain explosives.''

''Another revelation concerns al Qaeda and anthrax. The 9/11 panel says al Qaeda had an 'ambitious' biological weapons program and ''was making advances in its ability to produce anthrax prior to September 11.'' '' That is in the report, anthrax, prior to September 11.

It is telling, too, that the henchmen for the Iraqi leader agent al-Ani happened to be in Prague for meetings. Oh, lo and behold, cell phone records indicate that phone calls were placed from Florida to Mohammed Atta's cell phone at the same time he was reportedly in Prague. A coincidence, I guess. A sheer coincidence that Mohammed Atta, the leader of the 9/11 hijacking of planes, who was living in Delray Beach, Florida, close to where a citizen was killed by anthrax, meeting with Iraqi officials in Prague, is all coincidental, all coincidental, all sheer fantasy.

Read this editorial in the Wall Street Journal today.

Paul Johnson died at the hands of terrorists, not because we are in Iraq. They are going to kill Americans and other freedom-loving people because they resent our way of life. They resent who we are. For Members to come to this floor and say there is no link and no connection with the terrorists and Iraqis and anthrax and 9/11 have not read the entire report and are simply spinning a tale that they want America to believe.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AUTISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise this afternoon to address the House regarding the very important issue of autism and the epidemic of autism that we are seeing in this country today, but before I begin my prepared remarks on this subject, I want to extend my condolences to the family of Paul Johnson.

His son lives in Merritt Island, an area in my congressional district, and it is indeed a great tragedy for our Nation and very obviously a great tragedy for his family. As I understand it, he was a great person, a great American, a patriotic American, and it goes to show to all of us that the war on terror continues and that there is a great peril to American contractors, probably anywhere in the Middle East, but particularly in Saudi Arabia and, obviously, as we know, in Iraq.

I do want to salute those contractors that do take the risk and go over there. They perform vital functions. In many ways, they are as important as our military people over there and we need to honor them and respect them.

So my condolences go out to the Johnson family, and certainly I hope that they will be comforted by the good Lord in their time of grief.

I would like to take this time to address what I consider to be a very growing problem, the epidemic of autism and neurodevelopmental disorders that are plaguing our Nation.

In January of this year, the Department of Health and Human Services sent out an autism alarm to the Nation's pediatricians. In this alarm, they stated that one in every 167 children is being diagnosed with an autism spectrum disorder. I will repeat that. One in every 167 children being born in the United States today is being diagnosed with an autistic spectrum disorder.

Furthermore, one in seven children is being diagnosed with either a learning disability or a behavioral disability.

Mr. Speaker, something dreadful is happening to our youngest generation, and we must sound the alarm and figure out what is going on with our children.

I had the pleasure of addressing an autism conference in Chicago last month, and I would like to share today some of the thoughts I shared then with about 1,000 researchers, doctors, nurses, educators and, most importantly, parents who were there to seek answers to this growing problem.

I have said repeatedly that the autism community is the 900-pound gorilla that has not had its voice properly heard on Capitol Hill. This is largely due to the endless demands on the time, effort, emotions and financial resources of the parents of these children who are struggling to meet the unique needs of these kids with autism. There is little time, money, energy left to engage in public debates, let alone engage

the Congress when one is trying to raise a child with a disability like autism.

However, I see that changing, and last month's Institute of Medicine report I think has had one positive effect. It has united and reinvigorated parents throughout the country in their efforts to get answers to why children are being diagnosed with autism at such a high rate in the United States.

At the outset of my remarks, I want to make it extremely clear that I support vaccinations. I have a six-year-old son, and he has received all of his vaccinations. Someone in the media recently tried to portray me as a vaccine skeptic. After reviewing my record on this issue and all of my statements in the past, the newspaper printed a retraction. This, however, seems to be part of the pattern, to vilify those who simply ask if our vaccines could be made safer.

I support vaccinations, and indeed, I gave vaccinations to thousands of my patients when I was practicing medicine full-time prior to coming to the U.S. House. However, I believe it is appropriate to acknowledge that like with any other medical intervention, different individuals respond differently. We are all unique. We all have different genetic makeup, and what may cause no harm to the vast majority of people can cause serious side effects in some individuals.

Since we established the National Vaccine Compensation Program in the late 1980s, several thousand individuals have been compensated for vaccine injuries. We know that there are adverse reactions, and I believe it is important that we dedicate resources to better understand why some children have these reactions.

For too long, those who run our national vaccination program have viewed those who have adverse reactions, including those with severe adverse reactions, as the cost of doing business. Furthermore, the vaccine compensation program, which was designed to be a no-fault compensation system, has become so adversarial that only the most obvious cases receive compensation, and too many parents feel that the program is not worth the difficulty of going through it.

The questions I raise are multiple. The number one question has been whether neurologic problems were caused in some children by the high levels of a mercury containing additive that was included in our vaccines in the 1990s. This mercury containing additive is called thimerosol, and in the 1990s, infants and unborn children were exposed to significant amounts of mercury at a most critical point in their development.

Now, this recent Institute of Medicine report, what exactly is wrong with it? What about it has so many people in the autism community upset?

In my 10 years of service in the U.S. Congress, I have never seen a report so badly miss the mark. I have heard some weak arguments here in Washington, D.C., and I can tell my colleagues that the arguments put forward in this IOM report are indeed very weak.

□ 1715

Let us examine this report in some detail. On January 15 of this year, I wrote Dr. Julie Gerberding, the director of CDC, and I asked her to postpone the February 9 Institute of Medicine meeting and this report because of my concern that this was not an exercise in discovering the truth, but was instead a meeting, and I will quote what I said in my letter, ''being driven by a desire to shortcircuit important research and draw premature conclusions.''

I said, ''If the purpose of this meeting is to seriously consider and address these concerns, then this will not be accomplished.''

Quoting further from my letter to Dr. Gerberding, I said, ''It appears to me, not only as a member of Congress but also as a physician, that some officials within the CDC's National Immunization Program, the NIP, may be more interested in a public relations campaign than getting to the truth about Thimerosal.'' I said, ''Pressing forward with this meeting at this time I believe will further undermine the credibility of the Centers for Disease Control on matters of vaccine safety and do damage to the reputation of the Institute of Medicine. I believe the proposed date of this meeting, which you have the ability to change, is in the best interest of no one who is seeking the truth about a possible association between vaccines and neurodevelopmental disorders, including autism.''

Now, I had a follow-up conversation on February 3 of this year with Dr. Gerberding, and she assured me that the Institute of Medicine's February meeting was not an attempt to ''draw conclusions,'' but merely to ''update the science,'' of where we were, basically.

However, it is clear that this report draws conclusions; and what is perhaps the greatest outrage, it goes further to call for the halt of further research.

A public relations campaign, rather than sound science, seems to be the modus operandi of officials at the CDC's National Immunization Program. Why do I say this? Let us look not only at the timing of the IOM meeting in February, the content of the IOM report, but also at studies the IOM used as a basis for their decision.

The Institute of Medicine bases their decision almost entirely on five epidemiologic studies. Epidemiology is essentially the statistical analysis of disease in populations. All of these studies were conducted by researchers with an interest in not finding an association. All of the studies had significant shortcomings, all of which the IOM itself declares would miss the association with autism in a genetically acceptable subset of children.

Not only the timing of the IOM meeting raises suspicions but also the narrowing of the scope of inquiry and the emphasis the IOM placed just on epidemiology.

In 2001 the Institute of Medicine concludes: ''Exposure to Thimerosal-containing vaccines could be associated with neurodevelopmental disorders.'' The IOM also recommended that children not be given mercury-containing vaccines.

What was the response of the CDC? For this most recent report, they narrowed the IOM scope to looking just at autism. Does that sound like an agency interested in understanding whether or not Thimerosal is harmful to some children, or does this response lead one to conclude that they are more interested in designing something to reassure an increasingly skeptical public?

Unlike 2001, this time the IOM was directed by the CDC to only consider the possible relationship between Thimerosal and autism rather than neurodevelopmental disorders as a whole. Anyone familiar with the Verstraeten study, a study published looking at Thimerosal and autism, knows exactly why the IOM scope was narrow, because the 2003 Verstraeten study found associations between Thimerosal and neurodevelopmental disorders in some children with autism may have been misdiagnosed as having speech or language delay. By narrowing the scope, which largely went unnoticed by the media, the CDC has avoided acknowledging that Thimerosal very well may have caused neurodevelopmental disorders in some children.

This latest IOM report is simply part of a PR campaign, in my view. Would we not have had a much more productive report if the CDC had updated the research on possible associations between Thimerosal and neurodevelopmental disorders as a whole? In evaluating Thimerosal's relationship to autism, the IOM relies almost exclusively on these five epidemiologic studies.

The principal authors of all five of these studies have serious conflicts of interest. All five studies were published in 2003, leading up to the IOM's February 2004 meeting. All were conducted while the CDC and the NIH virtually ignored the Institute of Medicine's 2001 biological and clinical research recommendations.

It is critical to note the instructions that the IOM was given, primarily by the CDC, which has been funding the IOM.

Pages 5 and 6 of the IOM report make it clear that epidemiology was to reign supreme. In the absence of epidemiologic evidence to support causality, the IOM was instructed to give biological evidence little consideration and was prohibited from allowing biological evidence to lend evidence towards causality.

Is it any wonder that the CDC has spent the past 2 years dedicating significant funding to epidemiology while

starving funding for clinical and biological research? The IOM notes in their report that the epidemiologic studies they examined were not designed to pick up a genetically susceptible population, and this is the very theory of the link between Thimerosal and autism and autism spectrum disorders. One in 167 become autistic. Why do the other 166 not? It is because they do not have the impaired ability to eliminate mercury from their system. We are looking at a genetically susceptible subpopulation. Yet these studies that they base this report on, they admit, were not capable of picking up these subsets in the populations.

Let us look at these studies. The only study done in the United States, the Verstraeten study, was published in the Journal of Pediatrics in November of last year. Much has been written exposing the study's methodological problems, findings, and conclusions. Most importantly, however, is that this study did not compare children who got Thimerosal to those who did not. Instead, its CDC-employed authors focused primarily on what is called a dose response gradient. Those who got less Thimerosal later in life had less autism is the theory behind the study.

In addition to the study itself, it is important to note the public relations spin surrounding this study. On the day the Verstraeten study was released, a top CDC researcher and coauthor of the study was quick to declare to the news media: ''The final results of the study show no statistical association between Thimerosal vaccines and harmful health outcomes in children, in particular autism and attention deficit disorder.''

Let me repeat that: The final results of the study show no statistical association between Thimerosal vaccines and harmful health outcomes in children, in particular autism and attention deficit disorder. The newspaper headlines of the day read: ''Study Clears Vaccine Containing Mercury,'' the Associated Press and USA Today. ''CDC Says Vaccines Are Safe,'' the Seattle Times. While that was the spin of the day, allow me to quote from the study:

''We found no consistent significant associations between Thimerosal-containing vaccines and neurodevelopmental outcomes. In the first phase of our study, we found an association between exposure to mercury from Thimerosal-containing vaccines and some of the neurodevelopmental outcomes screened. In the second phase, these associations were not replicated for the most common disorders in an independent population. They did find associations, but they changed the study and most of the associations disappeared.

Furthermore, in January 2004, the lead coauthor was forced to admit that many children in the study were too young to have received an autism diagnosis. He went on to admit that the study also likely mislabeled young autistic children as having other disabilities, thus masking the number of children with autism. The message from the CDC to the media was that there is nothing to be concerned about, but the study said something different. The news media to a large degree took the CDC's spin hook, line and sinker. Largely they chose not to read the study itself.

Five months after that study was published in the Journal of Pediatrics and, I might add, after the IOM report was largely written, Dr. Thomas Verstraeten broke his silence in a letter to Pediatrics stating, ''The bottom line is and has always been the same, an association between Thimerosal and neurological outcomes could neither be confirmed nor refuted and therefore more study is required,'' is what Dr. Thomas Verstraeten said. Dr. Verstraeten, the lead author of this study, says that an association between Thimerosal-containing vaccines and neurodevelopmental disorders cannot be refuted based on his study.

Yet the IOM in their assessment of that same study states that it is a basis for concluding, ''There is no association between Thimerosal-containing vaccines and autism.'' The IOM acknowledges that Verstraeten would not have picked up an association in a genetically susceptible population. The IOM also noted that the study was limited in its ability to answer whether Thimerosal in vaccines causes autism because the study tests a dose response gradient, not exposure versus no exposure.

I might also add, Mr. Speaker, that the Verstraeten study cannot be validated. The earlier data sets have been destroyed, and the only data sets the CDC will make available to outside researchers are the ones they have already manipulated. The raw, unaltered data is not available. Additionally, outside researchers are held to a much more restrictive access to information than are the CDC researchers. Only one independent researcher has been granted access to the CDC's VSD database, and the CDC has kicked that researcher out based on ridiculous reasons. They claim their research methods might infringe on privacy, yet they know the database contains no names and it is impossible to locate the patients from this database.

I want to talk briefly about the other four studies that the Institute of Medicine based its conclusions on. The IOM cited the 2003 Hviid study of the Danish population as one of the key studies upon which it based its conclusions. Let us first consider the conflict of interest of the principal author. Dr. Hviid works for the Danish Epidemiology Science Center, which is housed at the Staten Serum Institute, the government-owned Danish vaccine manufacturer. Also, all of his coauthors either work with him at the center or are employed by the SSI.

The SSI, the Staten Serum Institute, makes a considerable profit off the sales of vaccine and vaccine components and the U.S. is a major market for the SSI. SSI has $120 million in annual revenue, and vaccines are the fastest-growing business segment, accounting for 80 percent of its profits. Both the United States and the United Kingdom are important export markets for SSI's vaccines and vaccine components.

Furthermore, if Hviid were to find an association between Thimerosal and autism, SSI, with which he and his center are affiliated, would then face significant lawsuits. These facts are important and are critical when evaluating Dr. Hviid's work. Furthermore, this study looked at autism and not at neurodevelopmental disorders.

The important thing in evaluating this study is that exposure in the Danish population to Thimerosal varied considerably from that in the United States. Danish children received 75 micrograms of mercury in their first 9 weeks of life and then another 50 micrograms at 10 months. By comparison, children in the United States received 187.5 micrograms of mercury by the age of 6 months, nearly 2½ times as much mercury as the Danish population.

Dr. Boyd Haley has said that comparing the exposure of the U.S. children to these children in Denmark is like comparing apples and cows. I think there is a lot of truth to that. Hviid states that the rate of autism went up after they began removing Thimerosal from vaccines in 1992. The numbers in Hviid's study were skewed in that they began to add outpatient autism diagnoses after 1992.

□ 1730

The IOM notes other limitations of the study, including the differences in the dosing schedule and the relative genetic homogeneity of the Danish population; yet even with all these serious limitations, the IOM felt that the study had ''strong internal validity.'' Like the Verstraten study, Hviid would not be able to pick up a group of children who were genetically susceptible to mercury toxicity, principally because they have impaired ability to excrete mercury.

Case in point: Danish autism rates are six in 10,000, where in the United States it is less than one in 200.

I do not believe how they can use a Danish study as a valid conclusion to say that thimerosal did not cause the increase in autism and other autism spectrum disorders and neurodevelopmental disorders in the United States when children in the United States received significantly more mercury exposure.

Another study that the Institute of Medicine relied on was the Madsen study. Madsen et al., once again examined virtually the same population, Danish children, Danish children who received significantly less than they. Let us consider the conflicts of interest in the Madsen study. First of all, two

of Madsen's co-authors are employed by the same Staten Serum Institute. The study, like Hviid, added outpatient cases into the number of cases of autism after 1995, a methodological flaw. The authors acknowledged that this addition might have exaggerated the incidence of autism after the removal of autism. The IOM acknowledged this but yet used the data anyway.

Another study that the IOM relied on, the Stehr-Green study, examined, guess what, the Danish population again, along with the Swedish population. I will not repeat the problems with the Danish data, but with regard to Sweden it is important to note that the children there received even less thimerosal than children in Denmark, receiving only 75 micrograms by 2 years of age versus children in the United States receiving 187.5 micrograms by 6 months of age.

Furthermore, the authors included only inpatient autism diagnoses in the Swedish population. The IOM notes that the ecological nature of this data ''limits the study's contribution to causality,'' but they cite it anyway.

The Miller study also included in the IOM report examines the population of children in the United Kingdom. This study is still unpublished, which limits its ability to be examined critically. It is important to note, however, that Dr. Miller has actively campaigned against those who have raised questions about vaccine safety. We have a person here who is actively campaigning, testifying in lawsuits, against the theory that thimerosal is linked to neurodevelopmental disorders and autism, doing a study supposedly showing there is no link.

So what can we conclude about these five epidemiologic studies? We can see clearly why the IOM is on very shaky ground in drawing the conclusion that it did. They based their decision on these five studies, three of them examining genetically homogenous children in Denmark. At least one employee of the Staten Serum Institute serves as a co-author on three of the studies. Only one study examines the U.S. population, and that study did not compare children who had received mercury with those who had not. Four of them are studies of children receiving less than half the amount of mercury that U.S. children received. None of them with any ascertainment of prenatal or postnatal background mercury exposures, none of them considering prenatal exposure which may have been given to the children, none of them have been able to detect a susceptible subgroup in the population, three of them failing to address how the addition of outpatient cases of autism in Denmark might have previously skewed their results. Four of them examined populations with autism rates considerably less than the United States, and one of these studies has never been published. It is impossible to review the data.

Might I also add they are all statistical studies. There have been numerous biological studies suggesting that thimerosal is linked, mercury is linked to autism, specifically mercury studies that show after chelation therapy, children with autism excrete a tremendous amount of mercury in their urine, whereas normal children do not.

And it is important to note that there was a recent report published by Dr. Emili Garcia-Berthou and Dr. Carlos Alcaraz examining statistical errors in medical publications. They found five volumes of Nature and 11 volumes of the British Medical Journal. They found 11 percent of the computations in Nature and the BMJ were incongruent and at least one statistical error appeared in 38 percent of the papers, despite all the biological evidence suggesting there may be a link with thimerosal and autism here and the obvious knowledge that many of these statistical studies are flawed. The Institute of Medicine concluded, and many people in the press believed it, that there is no link.

Mr. Speaker, something needs to be done. The Institute of Medicine report not only looked at the mercury issue. It as well looked at the issue of the safety of the measles-mumps-rubella vaccine. Many years ago a researcher in England, a Dr. Andrew Wakefield, published a report suggesting that some children with autism have measles virus growing in their intestines causing a condition called inflammatory bowel disease, and, indeed, there have been recent reports in the medical literature that some of these children have measles virus particles in their cerebral spinal fluid and elevations of a protein called myelin basic protein in their cerebral spinal fluid, suggesting they have an active low-grade encephalitis being caused by measles virus.

The IOM was asked to look at this issue. How did they approach this issue? Did they ask for research protocols that attempted to duplicate the Wakefield study? No. What they did was again another epidemiologic study.

I believe that the CDC's conclusion and the Institute of Medicine's conclusion on the MMR is well flawed. I am pleased that finally attempt is underway to duplicate Dr. Wakefield's findings, and hopefully we can get some answers to these questions regarding the safety of the measles-mumps-rubella vaccine.

For the reasons that I have outlined above and other reasons, the Institute of Medicine report I believe is premature, perilously reliant on epidemiology, based on preliminary and incomplete information, and I believe may ultimately be repudiated perhaps in short order. This report will not deter me nor the autism community from our commitment to see that thimerosal and MMR research is properly done. This report will do nothing to put to rest the concerns of parents who believe their children were harmed by mercury-containing vaccines or the MMR vaccine. While this report will lead many clinicians to believe that thimerosal is safe and there are no problems with the MMR, it may contribute further to an erosion of the doctor/patient relationship in the United States.

This report has dragged the Institute of Medicine under a cloud of controversy that has currently engulfed the CDC. Much like the infamous 1989 study by the National Institute of Child and Human Development which missed the link between folic acid deficiencies and neural tube defects like spina bifida, the epidemiologic studies reviewed by the IOM in drawing these findings could easily have missed an association in susceptible populations.

Finally, let us remember that the IOM is not immune to error and has been forced to reverse itself before. Most recently, the IOM reversed a longstanding finding that chronic lymphocytic leukemia was not due to Agent Orange exposure. A similar reversal is very real and possible here.

On April 2 of this year, I introduced, along with the gentlewoman from New York (Mrs. MALONEY), H.R. 4169, the Mercury Free Vaccines Act of 2004. We currently have 22 co-sponsors from across the political spectrum. H.R. 4169 will phase out the use of mercury vaccines over the next 3 years, giving particular attention to completely eliminating mercury from childhood vaccines on an expedited schedule. This bill is a response to the fact that the safety of thimerosal in vaccines is not proven. Mercury is a well established neurotoxin. According to the EPA, one in six newborns is born with a blood mercury level considered unsafe. The FDA and the EPA recently warned pregnant women, nursing mothers, and young children to limit their consumption of certain fish. No one at the NIH or CDC can tell us what happens to mercury once injected into an infant. Where does it go? How much goes to the critical organs, how much to the brain? Can it cause damage to the developing central nervous system? No one has good answers to these questions, and they should have answers to these questions before more infants are exposed to mercury.

The CDC has adopted a policy to reintroduce mercury-containing vaccines to children in the form of the flu vaccine which will be given at 6 months, 7 months, and 23 months of age. Most of the flu vaccine on the market today contains mercury.

I believe we need new legislation. It is critical that we pass the Mercury Free Vaccines Act of 2004. It is also critical, I believe, that we make improvements in how we monitor for and respond to adverse reactions to vaccines. Today there are three government agencies that have responsibilities related to monitoring the safety of vaccines: the FDA, the CDC, and the NIH. The Food and Drug Administration has responsibility primarily to make sure that the vaccines are prepared according to specifications. They

do operate the Vaccine Adverse Events Reporting System.

The NIH does not have a concerted effort to fund vaccine safety research. They provide funding for research in a haphazard manner. If one happens to submit a proposal and it passes peer review, the study may get funded. The NIH has funded only a handful of studies over the past 2 years investigating vaccine safety issues. The CDC has the greatest responsibility in this area. Unfortunately, they have the greatest conflict of interest. The CDC's vaccine safety program amounts to a $30 million, million, a year program, and half of it goes to pay HMOs for access to the Vaccine Safety Database. The biggest conflict within the CDC is that they are also responsible for a $1 billion, $1 billion, vaccine promotion program. The CDC largely measures its success by high vaccination rates, and here lies the conflict. Any study raising concerns that there might be adverse reactions to some vaccines in some children has the ability to lower vaccine rates, and lower vaccination rates are in direct conflict with the CDC's top measurement of success. Clearly due to its overwhelming size and the manner in which the agency measures its success, the vaccine promotion program overshadows and influences the CDC's vaccine safety program. In fact, rightly or wrongly, the Vaccine Safety Office within the CDC is largely viewed by outside observers as nothing more than another arm of the vaccine promotion program, giving support to vaccine promotion policies and doing very little to investigate and better understand acute and chronic adverse reactions.

Further complicating the CDC's role in undermining the research is the fact that the vaccine safety studies produced by the CDC are impossible to reproduce. External researchers are not granted the same level of access to the raw data sets that the CDC's internal researchers are granted. The bottom line is that the CDC studies related to vaccine safety cannot be validated by external researchers, a critical component in demonstrating the validity of scientific findings. The CDC's recently convened Blue Ribbon Panel to examine how the CDC might better review vaccine safety is a step in the right direction. However, I do not hold out much hope because the panel is limited in its scope. Much like the IOM was limited in the outcome they were allowed to draw, this panel is limited to deciding where within CDC vaccine safety monitoring should be housed. The NIH recently recognized the importance of moving patient safety monitoring out of the NIH. I believe the same should be done with vaccine monitoring. It should be completely removed from CDC's jurisdiction. The CDC is too conflicted to oversee this function.

□ 1745

Mr. Speaker, I want to touch on one more additional issue, and that is something called the Brighton Collaboration. I am very concerned about the development of the Brighton Collaboration, which began in the year 2000. This is an international group comprised of public health officials from the CDC, Europe, and world health agencies like WHO and vaccine manufacturers.

The first task of the Brighton Collaboration, created several years ago, was to define what constitutes an adverse reaction to a vaccine. They have established committees to work on various adverse reactions to vaccines. Particularly troubling to me is the fact that serving on these panels defining what constitutes an adverse reaction to a vaccine are the vaccine manufacturers. What is even worse is the fact that some of these committees are chaired by vaccine manufacturers.

It is inappropriate for a manufacturer of vaccines to be put in the position of determining what is and what is not an adverse reaction to its product. Do we allow GM, Ford and Chrysler to define the safety of their automobiles? Do we let airlines set the safety standards for their airlines and determine the cause of an airline accident? Do we allow food processors to determine whether or not their food is contaminated or causing harm? Then, I ask, why are we allowing vaccine manufacturers to define what constitutes an adverse reaction to a vaccine?

This collaboration is fraught with pitfalls, and merges regulators and the regulated into an indistinguishable group. It is critical that the American public look at what is going on here and how this entity may further erode the ability for us to fully understand the true relationship between various vaccines and some adverse reactions in some subsets of our population. I plan to devote additional attention to this effort in the future.

Mr. Speaker, I look forward to working with you and others in this body to address the problem that we face today.

As I stated at the outset of my comments this afternoon, autism was once in America a rare and infrequently seen condition. I went through 4 years of medical school, internship, residency, and years of private practice and practice within the military and had not seen one single case. I have seen case after case in my congressional district over the last 7 years, a disease that I had never seen before.

The disease incidence was previously thought to be one in 10,000. It is now thought to be as high as possibly one in 167, an almost 100-fold increase in the incidence.

We need to get answers to these questions. We need to restore public confidence and safety in our vaccine program. Our vaccine program saves millions of lives, it saves millions of kids from a life of disability, and the best way for us to ensure public confidence and make sure that all the kids get vaccinated properly is to get answers to these questions. The way the CDC and the Institute of Medicine and the industry is going about trying to answer these questions is highly flawed.

Mr. Speaker, I encourage my colleagues to begin to look at this issue. I know that many of them are coming to me saying they have parents coming in their offices now with autistic kids, saying something needs to be done. Something needs to be done.

THE PROBLEM WITH U.S. POLICY IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, as I always say, it is a pleasure to address the House of Representatives and the American people. Tonight I will be joined by some of my colleagues who will this evening be talking about the issue that is facing not only our military but our future as we start to deal with this effort against terrorism.

First of all, I would like to give my condolences to the family that lost their loved one that was held hostage. Our thoughts and prayers are with you and your family and your local community. Unfortunately, all too often now, violence has played such a very strong role in the way not only Americans live but also how individuals live abroad.

I just would like to make some opening comments. When we start talking about how we entered Iraq, claiming we were better than the dictator Saddam Hussein, which I do believe very strongly we are still, there are some decisions that are being made that are putting into jeopardy how the world feels about the United States of America and also how the world views our moral high ground, or what is left of it as it relates to abuse.

I think it is important for us to remember that Iraqis at the beginning gave us a great deal of credit. They were believing that we would deliver on our promise of providing security, safety and democracy that they could believe in and live under. Now revelations of prisoner mistreatment have really clouded the minds of many Iraqis that had hoped.

Some Iraqis saw us as being a part of holding out the flag of hypocrisy in the region due to the fact of the Abu Ghraib issue. The scandalous impact of opinions, especially of Iraqis and other members of the world, of photographs that have been made public throughout the Muslim world, is deeply repugnant to most Muslims.

I think it is also, Mr. Speaker, important for us to remember that as we start to look at what is taking place in Iraq, at the top of the week we thought it would be a good week for coalition forces as it pertains to the new Iraqi

government taking over by June 30. We thought the topic of the week would be Iraqi's soccer team joining the Olympics. But it was overshadowed by tales of a gentleman by the name of al-Dory, a 39-year-old father of three, imprisoned by coalition forces on August 6 of last year and was held until February 17 of this year.

al-Dory was arrested in his office in the oil ministry and initially interrogated at one of Saddam Hussein's palaces in the capital city. Suspected of being a member of an anti-U.S. insurgency, he was battered with the butt of a gun and hung from the ceiling in a way that injured his right arm. Last fall he was moved to Abu Ghraib prison on the outskirts of Baghdad, where humiliation of those in photographs was open and no longer secret.

By that time, he was released without explanation. al-Dory had lost 100 pounds of his 260 pounds. For the coalition forces, the mistreatment of this prisoner also may have transformed places like Abu Ghraib into insurgency recruitment stations.

Coalition forces told the Red Cross that 70 percent to 90 percent of the individuals arrested in the past year were mistakenly jailed, according to the Red Cross report in February. The United States also tried to remedy the issue by releasing several thousand of these young men, many of whom emerged bitter towards Americans in uniform.

This is what al-Dory said: ''Based on my experiences in prison, most of the guys who were released will go to join insurgents immediately because of the unjust treatment and the lack of response by the U.S. Government.''

But tactics like these, really, Mr. Speaker, do not work towards the safety of troops, and I will tell you that the culture that has been set in the Department of Defense and the blocking of giving information to this Congress to be able to respond to some of these issues are so very, very important.

Veterans that are listening to us now who have served in previous conflicts on behalf of democracy in foreign lands and also on behalf of our country, their honor is at stake. Their honor is at stake making sure that when people look at men and women in uniform, the world and Americans, that they are doing a noble job, which I believe they are, which I know they are.

It is some of the individuals that are making the decisions in the suits and the ties that I am growing more and more concerned about.

I am so glad that tonight I share this session and this floor of the House with two of my colleagues from Ohio. I would like to recognize my good friend, the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I also want to extend my sympathies to the family of the prisoner on behalf of myself and my family and the citizens of the 17th Congressional District in Ohio, and really all Americans. We are reminded, unfortunately, daily about the struggles that we do have here and how real they are, and when you see the kind of torture and the kind of treatment and the kind of abuse and the murdering that go on every day in Iraq, in Afghanistan and, unfortunately, now in Saudi Arabia and many other countries, I think we are all beginning to question more and more and I think at deeper and deeper levels about the policy of our government and its effect on the credibility of this country.

I think ultimately we come to this House floor with a certain amount of humility. President Reagan had his peace through strength, and I think it is easy for the bully to go around and kick people around, and we have had to do that on a number of occasions. We needed to do that in Afghanistan, and we did it in Iraq to a certain extent; but we have now gotten ourselves bogged down in a situation that I believe is making the American people less safe than they were before we went to war in Iraq.

I just want to share some thoughts. We are wrapping this congressional session up here for the week. We are on our way to catch some planes back home. But we wanted to come down here and share some of our thoughts, because there is this growing amount of frustration among many of us, not only those of us who sit on the Committee on Armed Services, those of us who have consistently backed the troops with the defense appropriations bills that I voted for and the gentleman voted for. No one can come to you orally and say you are not supportive of the troops. We put the money where our mouth is, and we are saying we support the troops, and we voted for the defense appropriations. We worked it through committee; we made sure there were the proper modifications after the war already began.

But the question we have here is really of two different strategies. The one strategy was take the $200 billion that you are going to spend in Iraq, and take that money and not only invest it in the United States, but use it like we passed today the Homeland Security bill, use more of that money to secure our ports, to make sure people are looking through the cargo that is coming into the country.

One or two out of 50 ships that actually come into the ports actually get checked. If you ask the American people, would you rather spend $200 billion in Iraq or would you rather spend that money looking through and hiring people to work at our cargo ports, I think the decision is clear.

We put ourselves in this predicament that it is going to be very, very difficult for us to get out of. I am not saying we should cut and run. We have to do the best we can there.

Another point that I want to make is that we had the opportunity. If we wanted to set up an Arab democracy in the Middle East, we could have done it with Afghanistan. Talk about a tragedy, is what we have done in Afghanistan.

We went in there, and now we only have 10,000 to 12,000 troops in Afghanistan, when in fact we have 130,000-some in Iraq. Osama bin Laden was in Afghanistan; the Taliban that was the home of al Qaeda was in Afghanistan. That is where we needed to be.

If you wanted to set up an Arab democracy, we had the opportunity to do that in Afghanistan. As we learned a couple weeks ago in committee with the chairman of the Joint Chiefs of Staff, General Myers, when we began to talk about the drug production in Afghanistan, which is the funding mechanism for al Qaeda, billions of dollars in heroin is grown in Afghanistan, is sold, the money goes to al Qaeda and these different terrorist organizations, and they use that money to fund terrorist attacks all around the world.

□ 1800

So we need to go to the heart of it. We need to cut out their financing. We did that through the special organizations and the nonprofits, and a lot of these that people had here in the United States, but we also needed to go into Afghanistan and we needed to rid them of the poppy and get rid of it. And the answer we got from the Chairman of the Joint Chiefs, when I asked him directly what are we doing about drug sales, drug production in Afghanistan, because it seems like at least at this point that is the only crop that they can grow, and the answer was stunning. I think the American people need to know this. The answer was: they harvested the crop early this year, and so we did not have the opportunity to stop them.

Let me repeat that. The answer from the Chairman of the Joint Chiefs and the policy of the United States in response to a question by a Member of Congress as to what are we doing about getting rid of the drugs in Afghanistan, the answer is: they harvested the crop early.

Mr. MEEK of Florida. Mr. Speaker, I just wanted to let the gentleman know, I just could not believe that the Chairman of the Joint Chiefs of Staff would respond, because I was there, would respond in that manner. I think that he is a man of honor but also, at the same time, we are looking at the way the Taliban is being funded. And they said that they harvested the crop early. That is what he said. I was there. This is once again not the Tim Ryan report, this is what actually took place. It is very serious.

I know that the Pentagon would like to save the lives of many troops, but it is some of the decisions that are being made at the top, not at the bottom, but at the top that is putting American lives at stake.

Mr. RYAN of Ohio. Mr. Speaker, we want to include our good friend, the gentlewoman from Cleveland, Ohio (Mrs. JONES), from the good old Buckeye State, but before I yield to her, I

want to say that obviously we do not have enough troops in Afghanistan. So here we are in Iraq doing what we are doing with 130,000 troops, we only have between 10,000 and 15,000, I do not know the exact number, I think it is about 13,000 troops in Afghanistan right now. Now, just imagine if we took some of the money that we are spending in Iraq and we used it for homeland security and we took some of the money and some of the troops that we are using there and we had them in Afghanistan, Afghanistan has natural resources we could be developing, the water infrastructure we could be developing in Afghanistan, and setting up an Arab democracy. Is that not what we want to do? Was that not the goal after hearing about weapons of mass destruction, hearing that al Qaeda is tied to Iraq, and Iraq is tied to 9/11 and they have weapons pointed at us, there is an imminent threat and all of this other nonsense that we heard before the war. But then the story eventually changed, and there is always that undercurrent of: we need an Arab democracy in the Middle East for stability purposes. Why did we not do that in Afghanistan?

We have many, many other points to make here, but I would like to begin to include our good friend here from Cleveland, Ohio into the discussion, and I am happy to yield to the gentlewoman, who is my surrogate mother here in the United States Congress.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank my colleagues, the gentleman from Florida (Mr. MEEK) and the gentleman from Ohio (Mr. RYAN), for inviting me to participate in this Special Order this evening. I am so proud of both of them. I am only 2 minutes older than either one of them, but I am very proud of the work and leadership that both of them are showing in the U.S. Congress. I always remind people that both of them remind me of my man child Mervin, who is very tall and very good looking, and 200-plus pounds, and I see TIM pulling his collar here. But I am so proud of the leadership that both of them are showing.

So I suppose my colleagues want to know, what is a woman my age doing with these two young guys on the floor of the House talking about issues. I am just glad to be in the House with them and glad to be a part of the work that they are doing.

As we are talking about this, first of all, let me express my sympathies to the Johnson family on behalf of my entire family and the people of the 11th Congressional District of Ohio. I can empathize with the wife of Mr. Johnson, having lost my husband only in October of last year. It reminds me of all of the terrible things that are going on across the United States of America. It reminds me also of the need for the United States to be aboveboard and the need for the United States to be able to do things that in 20 years will withstand the light of day.

I am reminded of a meeting that I had at the Pentagon with some of my colleagues and Secretary Rumsfeld. This was around the time of military tribunals and the discussion: what are we going to do with military tribunals and how are they going to be handled? Those of my colleagues who do not know, prior to coming to Congress I was a Cuyahoga County prosecutor or DA and, prior to that I was a judge for 10 years.

So I said to Secretary Rumsfeld, Mr. Secretary, I have concerns about military tribunals. What we need to make sure that we do in the course of these tribunals is to assure that the rules of evidence are complied with if, in fact, we are going to use people who have no experience in hearing law and in hearing cases. But if we are going to use people or judges who have had some experience, then the rules of evidence may not be so important. But what is important is that we have in place rules and regulations that will assure that a trial in Afghanistan or a trial in Iraq or a trial in the United States involving the same offenses will be treated commonly and that there will not be any disparity.

But more importantly I said to him, Mr. Secretary, any of our activity needs to be able to withstand the light of day. And I was reminded of that today when I read this article in the Wall Street Journal saying that Rumsfeld defends hiding prisoners at CIA urging. And what it does is it adds another layer of distrust upon the United States and upon the United States military when he says in the article that he suggested, without elaborating, that often this is done. There are instances where it occurs that they hide prisoners from the Red Cross.

The Red Cross in the international community is supposedly the organization that will come in and say to the world that we did not see any problems there and, therefore, you should not be concerned.

Now, if the United States admits to hiding people from the Red Cross, that is another layer of concern or distrust that is put in place.

So I would again encourage Secretary Rumsfeld to not engage in such conduct. In fact, I said not too long ago that Secretary Rumsfeld ought to do the United States a favor and do the President of the United States a favor and withdraw from his position. He should not wait for someone to put him out; he should be man enough to resign and step away from his conduct.

Mr. RYAN of Ohio. Mr. Speaker, if the gentlewoman would yield, as the gentlewoman brought up, this is the latest with the Red Cross, that we first said that this was just an isolated incident. This is just a few wild folks we have working with us and it is an isolated incident. Now we find out that the Secretary of Defense is the one saying pull him aside over here and put him back here and do not put a number on him.

It is the same with the Halliburton contract. Vice President CHENEY for months and months said, I do not have anything to do with it. My office does not have anything to do with this Halliburton contract. Well, we find out earlier this week, it has been a long week, earlier this week that Scooter Libby, the Chief of Staff of the Vice President of the United States, okayed the contract to Halliburton. It went right through his office. You cannot tell me that the Vice President did not know anything about it.

So when you keep looking, we see the subversion of the Geneva Convention. All of a sudden in the United States of America, we have lawyers saying, well, Mr. President, you do not have to follow the Geneva Convention. Why would you want to follow the Geneva Convention? Some people out there are saying, yes, we would like to get these guys and treat them maybe the way they deserve to be treated. But when we look at what has happened today with the beheading and the murder that happened today in Saudi Arabia, where is the moral high ground in the United States? Where do we come out, and what can we possibly say? I yield to the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I just want to say to my colleagues that how the United States is viewed in the world is important. Some people may discount it. Some people may feel, oh, well, who are they to judge us? Well, let me just say that the United States spearheaded the creation of the United Nations. Let us come together. I want the American people to understand. There are a lot of veterans out there that shed a lot of blood for this country, and I am so appreciative of their service. There are a lot of diplomats that have gone and stood in the eyes of communism, stood in the eyes of what was humane, I mean in trying to promote democracy and treating people in a humane way. And then now, for very few individuals at the top, and I am not talking about the troops. It is very interesting, when we start talking about the Pentagon, they have greater knowledge, especially of men and women in uniform than many Members of Congress have, and for Secretary Rumsfeld to okay an investigation by General Taguba to look at the Iraqi prisoner abuse, knowing all along that he was a 2-star general and he could only look at certain people, the first person that was court-martialed was an enlisted man.

Mr. RYAN of Ohio. Mr. Speaker, I want the gentleman to repeat that, because that is a very important point and we need to share this with the American people. Reiterate that point, about the man doing the investigation.

Mr. MEEK of Florida. General Taguba, who is an honorable man, he was doing what he was told just like many men and women in uniform, he was only able to interview MPs, number 1. Number 2, he was not able to go over his rank of a 2-star general. So this means from the very beginning, the fix was on.

Mr. RYAN of Ohio. So the gentleman is saying that if there was a 3-star or a 4-star or any officer above a 2-star, General Taguba could not investigate?

Mr. MEEK of Florida. No, he could not. I mean that is just the way it is.

Mr. RYAN of Ohio. That is the way the military runs. You cannot have someone low on the chain of command investigating Jack Nicholson, the top dog.

Mr. MEEK of Florida. No, you could not. But we would never, through what the Pentagon has said, we would never know whether the mistakes were made at the top. That is pretty much what I am saying.

So the way the deck, if I can, the way the deck is fixed now, that all of the investigations that are taking place need to be reviewed or what have you, will be done from the 4-star on down.

Now, Secretary Rumsfeld has appointed someone out of his office, a 4-star, that is going to go take over the investigation in Iraq. I can tell my colleagues that this Congress does not have what they need to be able to know what is going on with these investigations. This is actually putting American troops at risk. This is putting contractor lives on the line. And we will continue to see this abuse of prisoners that are taking our Americans that are taken and made examples out of, the first thing that this group said that has connections to al Qaeda has said, we are doing this because of Abu Ghraib, and we are not responding. The American Congress, we are not responding in a way to be taking this thing seriously.

We have the chairman of the Armed Services Committee in the other body who dared to have a couple of hearings and then he was chastised by his colleagues, including our chairman of the Committee on Armed Services.

So I think it is important that it is okay for Members to say how they feel. There is nothing wrong with that. We are doing that now. But I think it is fundamentally wrong when we know that we are becoming an incubator for more individuals to fight against American troops that will be in Iraq for some time to come.

So I think it is important that we remember that. I just wanted to mention this U.N. thing before I yield real quick.

I mean the gentleman from Ohio mentioned a minute ago of how the world thinks of us. Kofi Annan, Secretary General Kofi Annan of the United Nations, a very honorable man, who has tried his best to be with us as long as he could. But now, we would like to renew our relationship with the Security Council of not having our troops or our military come before an international criminal court. This international criminal court was established by a treaty in 1998, a conference in Rome that would put forth saying prosecuting individuals responsible for most serious crimes, including genocide, war crimes, and crimes against humanity. The treaty was signed by 135 countries and was ratified by 94, including us, and took effect in 2002.

Just today or yesterday, Secretary General Kofi Annan urged the Security Council on Thursday to oppose renewing the resolution that would shield U.S. troops serving in U.N.-approved peacekeeping missions from prosecution before an international court.

□ 1815

He said, Exemption is wrong. This is from The Washington Post today. In light of what took place, the circumstances of abuse that took place, the detainees of Iraq and Afghanistan, I think it is very, very important that we pay very close attention to this.

Then check this out. China, of all people, said that they may veto the security council approving the United States this blanket exemption.

Mr. Speaker, that article is as follows:

[From the Washington Post, June 18, 2004]

ANNAN OPPOSES EXEMPTING U.S. FROM COURT

(By Colum Lynch)

UNITED NATIONS, June 17—U.N. Secretary General Kofi Annan urged the Security Council on Thursday to oppose renewal of a resolution that would shield U.S. troops serving in U.N.-approved peacekeeping missions from prosecution before the International Criminal Court, saying the ''exemption is wrong.''

Annan noted that the United States is facing international criticism for abuses of detainees in Iraq and Afghanistan. He told reporters: ''It would be unwise to press for an exemption, and it would be even more unwise on the part of the Security Council to grant it. It would discredit the council and the United Nations that stands for the rule of law.''

The U.N. chief's remarks added momentum to a campaign by supporters of the war crimes court to defeat the U.S.-sponsored initiative. Senior U.N. diplomats said Annan would press his case in a closed-door luncheon Friday with the 15 Security Council members.

''Blanket exemption is wrong,'' Annan said. ''It is of dubious judicial value, and I don't think it should be encouraged by the council.''

State Department spokesman Richard Boucher said the United States is well aware of Annan's position but will press the council for renewal. The resolution, first adopted two years ago, applies to ''current or former officials'' from countries that have not ratified the treaty establishing the court—which includes United States—and exempts them from prosecution before the court for crimes committed in U.N.-authorized operations. The council expressed an ''intention'' to renew the resolution each year ''for as long as may be necessary.''

''It should be renewed the way the council said it would,'' Boucher said. ''And so we're still talking to other governments in New York and discussing this with them.

The United States faces fierce resistance within the council as the July 1 deadline for renewal approaches.

China has threatened to veto the resolution, citing concern that it could be used to provide political cover for abuses. U.S. and other Security Council officials say that China—which also has not ratified the court treaty—is confronting the United States because it recently supported Taiwan's bid for observer status in the World Health Assembly. ''This could have an impact,'' said one council ambassador, who spoke anonymously because of the sensitivity of the issue. China is sending a ''signal'' to Washington that this ''will threaten the development of bilateral relations.''

U.S. diplomats acknowledge that they are struggling to line up the nine votes required to pass the resolution. Six countries—Russia, Britain, the Philippines, Pakistan, Algeria and Angola—are expected to support the United States, according to council diplomats.

France, Spain, Germany, Brazil, Benin and Chile have indicated they will abstain. Romania's U.N. ambassador, Mihnea Ioan Motoc, said his government will abstain unless its vote is responsible for defeating the U.S. resolution.

The International Criminal Court was established by treaty at a 1998 conference in Rome to prosecute individuals responsible for the most serious crimes, including genocide, war crimes and crimes against humanity. The treaty has been signed by 135 nations and ratified by 97; it took effect in July 2002.

President Bill Clinton signed the treaty in December 2000, but the Bush administration renounced it in May 2002, warning that it could be used to conduct frivolous trials against U.S. troops. The United States subsequently threatened to shut down U.N. peacekeeping missions in Bosnia and East Timor unless the council exempted U.S. personnel from prosecution.

That strategy has fueled resentment against the Bush administration at the United Nations. More than 40 countries have a standing request to discuss the resolution in a public debate. A senior diplomat said most nations will use the event to criticize the resolution, and to draw attention to U.S. abuses of detainees in Iraq and Afghanistan.

''We think the resolution is not compatible with the U.N. charter,'' one Canadian diplomat said. ''It's harmful to international accountability for serious crimes and the rule of law.''

China. You mean to tell me that we are at the point now that China gets to say something about the United States and how we treat individuals?

Now, American troops did not put us in this posture. This is the culture from the top of the Pentagon. And I will tell you this, if we want to save American lives, if we want to save the ways Americans think about us, if we really care about what happened in World War II, World War I and all of the wars after that up to this point, about the sacrifice, blood their grandfathers and fathers and mothers have shed, on behalf of how the world thinks that we are the good guys on the face of the Earth, then it is important and we should not allow this kind of leadership that is deeply flawed to continue.

I share with the gentleman, I was with the gentlewoman, I was with many Members of this Congress when I asked Secretary Rumsfeld, maybe you have done all that you can do at this point. Maybe you need to just say, I had a good run. Maybe you need to allow someone else to move on and lead the Pentagon in a way that it should be led, on behalf of saving American troops' lives.

Mrs. JONES of Ohio. As with anything, if you propose to resolve a situation, when you put the person in leadership, that gives credibility to the investigation, to the resolution. And

clearly this government, this Secretary knew better than to put a low-level military person in charge of an investigation that would be so very, very important. And it goes back to what would be on your mind. How could you lead and not put in place the people who are needed to give credibility to a situation?

I am just continually reminded as the gentleman talked about the United Nations and China and Kofi Annan being concerned about what the United States is doing, that again, what we do must be able to withstand the light of day, because we are set aside or set out as the country who is trying to move forward and permit or encourage democracy or freedom and trust around the world. And if we are not encouraging freedom and trust right here in our own Nation or in areas where we have control, then who is going to believe us? Who is going to be behind us?

I am with you once again, gentlemen, that this country has to continue to show leadership.

Mr. Speaker, the article I referred to previously is as follows:

[From the Wall Street Journal, Jun. 18, 2004]

RUMSFELD DEFENDS HIDING PRISONER AT CIA URGING

(By Christopher Cooper)

WASHINGTON.—Defense Secretary Donald Rumsfeld defended his decision to hold a prisoner incommunicado in Iraq last year, taking pains yesterday to separate the incident from the unfolding detainee abuse scandal involving U.S. soldiers.

Mr. Rumsfeld said he made his decision to hold a suspected combatant out of the sight of international monitors when he was asked to do so last October by George Tenet, director of the Central Intelligence Agency. He suggested, without elaborating, that concealing detainees from Red Cross monitors is done from time to time, despite international conventions that forbid it. ''There are instances where that occurs,'' Mr. Rumsfeld said.

But the secretary bristled at what he said was an attempt to link the decision he made in the case of the ''ghost detainee'' with the scandal at Abu Ghraib prison in Iraq, where a handful of low-ranking U.S. soldiers stand accused of abusing prisoners. ''The implication that's out there is the United States government is engaging in torture as a matter of policy, and that's not true,'' Mr. Rumsfeld said, adding he has seen no evidence that senior Pentagon officials were complicit in the abuse at Abu Ghraib or elsewhere.

An Army general assigned to investigate abusers at Abu Gharaib prison, Antonio Taguba, criticized the military for housing what he called ''ghost detainees'' for the CIA, saying in a report that the practice was ''deceptive, contrary to Army Doctrine, and in violation of international law.''

Mr. Rumsfeld's comments to the press came a few hours after President Bush told reporters he remained confident in his appointee. Mr. Bush said he hadn't previously known about the detainee who was held incommunicado. ''I'm never disappointed in my secretary of defense,'' Mr. Bush said. ''He's doing a fabulous job and America's lucky to have him in the position he's in.''

But nearly every day for the past month the Bush administration has found itself on the defensive about treatment of detainees in Iraq or Afghanistan. In Afghanistan, the U.S. Army is investigating several suspicious detainee deaths. Yesterday, a federal grand jury indicted a CIA civilian contractor in one of the cases. David A. Passaro, described by a CIA spokesman as a retired Army special forces officer on contract to the agency, was charged with beating an Afghani to death with a flashlight last summer. The indictment said Mr. Passaro murdered a detainee who had turned himself in to military forces at Asadabad military base.

Investigators have said they are looking into three prisoner deaths in Iraq and Afghanistan that may have come at the hands of CIA agents or their proxies. The CIA said Mr. Passaro's relationship with the agency was a short one. He signed a contract to work for the agency in December 2002 and arrived in Afghanistan in mid-May. The alleged murder occurred the following month.

''We take allegations of wrongdoing very seriously, and it's important to bear in mind that CIA immediately reported this allegation to the [CIA] inspector general,'' said spokesman Mark Mansfield.

The case of the ghost detainee doesn't involve abuse allegations. CIA and Pentagon officials say the man was captured last June in northern Iraq and spirited out of the country by CIA operatives. When the Justice Department ruled several months later that the man shouldn't have been taken from Iraq, he was returned and placed in the custody of the U.S. Army.

According to two U.S. officials, the CIA asked that the man be held without an identifying serial number because making his arrest public might hinder an ongoing operation. Because his case wasn't recorded in Pentagon prisoner files, however, U.S. officials acknowledged they lost track of him for a time. He resurfaced in May when senior Pentagon officials got wind of his case. Pentagon spokesman Bryan Whitman said the man will soon be issued an identifying number, and placed in the general prison population in Iraq if the CIA voices no objections.

Let me say one more thing. I want to send out kudos to all the veterans across this country, those who are from World War II, from the Korean War. One of my favorite veterans is my father, Andrew Tubbs, who is now 84 years old. But to all the young people serving, the ones that I met when I went over to the United Arab Emirates and when I went to Turkey and when I went to all these places in the military and Kosovo, we are so very proud of you. The reason we are standing here on the floor this evening is not because we are ashamed of your conduct. We are standing on this floor this evening, not because we are patriotic, because we are all patriotic.

We are standing on the floor of the House this evening to say to the world that the United States wants people in leadership who are going to set an example. We want people in leadership who are going to allow our troops to do what they need to, but not have the work of the troops diminished by the conduct of those in leadership.

I thank the gentlemen for the opportunity to be heard.

Mr. RYAN of Ohio. As I begin to wrap up here, I want to make a final statement that maybe next week, to the gentleman from Florida, I have about 6 pages here that a member of my staff put together for me, Dean Thomas who does my military work, that has about 6 pages' worth of claims by the administration, President, Vice President, different Secretaries; and then it has the facts.

Let me suggest that maybe next week the gentleman and I come down here, whether it is with our 30-something hour or maybe another Special Order, and we go through these because it is astonishing to me that in the United States of America we can have a commission put together, a bipartisan commission, the likes of Lee Hamilton and Senator KERRY and the distinguished group that we have with the 9/11 Commission, and the commission issues a report and the report says what we have known for many, many months, and that is that there is absolutely no connection between Iraq, Saddam Hussein, and al Qaeda, Osama bin Laden, two separate entities that did not want to work together.

And to have the administration just come out and just keep repeating the fact that they have a connection is a slap in the face to the American people. And that is not the only claim. We talked about the Halliburton claim that was denied and found out to be true. We found out the claim, it was only a couple of soldiers; now we found out it is more of a systemic problem.

The American people need to know what the facts are, and just because the administration wants to keep repeating what they want the world to be like and what they want the situation to be like, as opposed to what the truth is; and hopefully next week and over the course of the next few weeks and the next few months we can really try to shape the debate here and move the ship back to the truth. Because I get very, very frightened when the majority of the American people think that Saddam Hussein had something to do with 9/11 and Iraq has connections, direct connection, military connections and terrorist connections with al Qaeda, when everyone is saying it is not true, when the experts are saying it is not true, when the CIA is saying it is not true, when the 9/11 Commission says it is not true.

And the administration keeps repeating it just to muck up the waters, just to make it unclear, just because people are working two or three jobs and they are worried about getting their kid a pair of tennis shoes and some health care, and they do not have time to pay attention.

So, hopefully, over the course of the next few months, the gentleman and I and maybe other Members of this Chamber, we can try to establish what the truth is and what the facts are and let the American people make the kind of decision that they want to make it, and they can make it at least in an informed way.

Mr. MEEK of Florida. I will tell the gentleman, we have maybe 10 more minutes. We shared with the majority side that we were going to go about 40 minutes so that their Member can get down here.

So I just want to say very quickly, it is important that we share that information. This is a Special Order that we thought that was important. As members of the Committee on Armed Services, to come to the floor to talk not about politics but to talk about our troops, to talk about the leadership of our troops as it relates to the shirts and ties over at the Pentagon, the folks that are not supplying the information that we need in the Committee on Armed Services for the correct oversight.

I believe there should be more oversight because that is the only way we are going to find out what actually took place, what memo was written so that we do not have to read about it in the newspaper. The thing is that I do not like coming in here and quoting the newspaper. I would much rather have some sort of memorandum or some sort of committee testimony that I can make reference to, saying that General X told me Y, or Secretary X told us this. We do not have that privilege. We have to read about it in the paper. We have to read about it in Time magazine. We have to read about it in Newsweek.

And for us to be 60-something-odd members of the Committee on Armed Services, the largest military on the face of the Earth, the most capable, able, agile, mobile military on the face of the Earth, for us to have to read the newspaper to understand what is going on, and taking from General Myers's testimony when he did come before us and in his 30-plus years of service he has never seen anything like this Abu Ghraib issue. He said that to us. He has never seen it.

So for us to have an event that has not happened in 30-some-odds years, or I do not see anywhere in U.S. history that this has happened, it is documented the way that it is documented, for that to happen and for us to put a two-star, as much respect that we have for him, to investigate the little guys and gals that were a part of this bad behavior, it sets forth a culture that it is okay. If you are in the Pentagon, you are okay. You are a protected class. Do not worry. No one will look into you or no one will call you down to the Hill and ask you some tough questions, because if they do, they will be chastised by members of the Committee on Armed Services. Unfortunately, from the majority.

And it is also unfortunate that we have to come to the floor to be able to share thoughts in a way that we should be able to share thoughts with members of the military. I would love to ask Secretary Rumsfeld questions about why he came before the committee, shared with us what he shared with us at that particular time.

We received the Taguba report 2 weeks after that. I have taken a look at the Taguba report. Many members of the Committee on Armed Services have looked at the Taguba report. But now we just received new information from the Pentagon.

So when are we going to get all the information so that we can represent our constituents in the way that we should and be able to protect and make changes in legislation that is moving through this process now to protect American troops, to save American troops' lives, to be able to carry out all of our missions as we look abroad in what we are trying to do. But if we are not getting the information, then who is? And if they are getting the information and it is continuing to be suppressed, then it is not going to help save the lives of American troops.

Mr. RYAN of Ohio. Then when we get this information through the newspapers or through some other entity where we can get it, and then when we get the information and we try to share the information, people were questioning, why are we doing this? And I think the short answer is with the war and all the preliminaries of the war, with the weapons of mass destruction, and the ties to 9/11 and greeted as liberators and we do not need 200,000 troops, we are going to use the oil as revenue to fund the war, all of these things that have been said and now denial of Halliburton, and then saying it is an isolated incident when in fact it seems like more of a systemic problem that we have, detaining prisoners and keeping them away from the Red Cross.

Why are we bringing this up? Because it is wrong. That is wrong. It is not right that you do that. The way we got into the predicament right now, I just could not disagree more with how this all transpired. And if the original reason was you wanted to go to the Middle East to set up an Arab democracy, tell the American people that and let them answer yes or no with their support for or against it. But do not give us all those reasons that there is going to be a mushroom cloud in Cincinnati when we have a dictator that is writing romance novels, boxed in in the fly zone and the sanctions were working.

So do not mislead the American public with this. This is wrong, and we have to say it is wrong. We have to call a spade a spade here.

Hopefully, over the hours of the next few weeks and months, we can be able to do that.

Mr. MEEK of Florida. In closing, Mr. Speaker, I just wanted to thank the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Ohio (Mrs. JONES) for coming down here this evening.

I also want to share with the gentleman that on the upcoming Tuesday we have the first Democratic hour, and we can share the information that the gentleman has pulled together.

We look forward to seeing that and sharing with the American people. A part of the reason why we came down to the floor was to bring to light some of the issues that needed to be illuminated a bit more and also talk about solutions. Solutions are having the Congress do what it is supposed to do, an oversight of the Department of Defense. Solutions are doing what the junior Senator from Missouri, Senator Truman, who became President Truman, in his committee that he had from 1941 to 1948 during World War II. To say that we do not have time to do this, we are at war, does not reflect on past history.

So I think it is important even if it is the good, bad and ugly, it helps the American troops, our troops be able to get the up-armor that they deserve.

□ 1830

It will probably have avoided us from having to put in this Armed Services bill reimbursing families for bulletproof vests that they bought. Why should they have to buy them in the first place? If someone is going into harm's way, they should have the equipment that they need. I think that is so very, very important.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 18, 2004 at 3:24 p.m.:

That the Senate passed without amendment H.R. 3378.

That the Senate passed without amendment H.R. 3504.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ECONOMIC GROWTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I have some prepared remarks that I would like to offer to our colleagues this evening about economic growth and how important that is, but before that I would like to join, as my colleagues did earlier, in extending condolences and our thoughts and prayers to the family of Paul Marshall Johnson, as we have all seen in the last couple of hours, who was tragically killed in Riyadh, Saudi Arabia, and it clearly has underscored our Nation's resolve and the resolve of the civilized world to deal with this issue.

It is out of this tragedy we have gotten the news that Abdulaziz Muqrin, who has links to al Qaeda, was shot in the gunfire that took place afterward,

and he reportedly is responsible for the tragic death of Mr. Johnson, and we hope very much that this will play a role in moving us down towards victory in this global war on terrorism.

My remarks, Mr. Speaker, are on the issue of the economy, and there is, in fact, a direct correlation because a strong, dynamic, growing U.S. economy will do a couple of things.

First, it will help us ensure that we have the revenues necessary to fight the global war on terrorism. A strong, growing U.S. economy clearly will have a ripple effect to other parts of the world, developing Nations in our quest to deal with this war on terrorism as we know many people who have been attracted to terrorist activities have been doing so in part seeking economic opportunity. So economic growth is something that is very important as we tackle and continue to expand on this global war on terrorism.

Mr. Speaker, the word ''revolution'' gets a lot of talk these days, perhaps even some overuse. A Google search comes up with everything from the yoga revolution to the low-carb revolution to something called a stencil revolution. I had no idea that the art of stenciling even could be revolutionized, but tonight, I am going to talk about a phenomenon that is truly deserving of the label, and that is the productivity revolution.

Large, sustained bursts of productivity growth have fundamentally changed our entire economy in the past, and I believe we are witnessing a new wave of productivity growth that is changing the face of our economy once again. I would like to note that I believe this discussion is particularly timely given the recent onslaught of policy proposals, most notably coming from the presumptive Democratic presidential nominee Mr. KERRY. Those would actually reduce the productivity of American companies.

Currently, productivity is booming in this country. Last year, U.S. nonfinancial businesses increased productivity by 5.7 percent, the largest increase since we began collecting data. Again, that increase was 5.7 percent, the largest since 1959 when the data was first being collected.

Private sector productivity overall grew nearly as much, at a rate of 5.5 percent. Manufacturing productivity jumped 5.1 percent last year which followed a spike of 7.2 percent in the previous year, but these sharp increases over the last several quarters are part of a long-term trend of growing productivity throughout our entire economy.

Nowhere is this revolution more apparent than in manufacturing, where productivity has grown an astonishing 72 percent. That is over the last 20 years, which is nearly double the rate of productivity growth in the economy that we have overall, a 72 percent productivity growth in the manufacturing sector of our economy, nearly twice the overall rate of productivity growth.

American companies that produce goods have been at the front of the line of businesses adopting new technologies and business strategies to be more productive. As a result, the American manufacturing sector today is stronger than ever before, and it is getting even stronger as we speak. They make more from less, and that is vitally good news for the overall economy, but in order to get a full understanding of exactly what I mean by productivity revolution and the fundamental changes to U.S. manufacturing that are taking place as a result, I think we need to take a big step back and take a look at much of our economic history.

By looking at an earlier productivity revolution that also brought about fundamental change, we can get a sense of how things are changing today. We can see what it means for our economy, and even more important, what it means to people who work in manufacturing jobs.

The first major transformation in American economic history was from an agrarian economy to the heavy industrial economy. It was such a major change that it really meant a change in our entire society, from the agrarian society of the late 1700s to the post-World War II America that our Nation experienced.

The American farm did not wither away. American farmers did not become unproductive. In fact, the driving force behind the transformation was just the opposite. American farms became the most productive in the world and are among the most productive today. They produce vastly more than they have at any time in our Nation's history, but if we just look at the jobs side, the number of Americans working on farms, we could think that things went horribly wrong if we just looked at jobs.

In the early years of our country, 95 percent of Americans worked on the farm, but at the start of the 20th century, well into transition from that agrarian to an industrial economy, farm jobs still accounted for 40 percent of all America, going from 95 percent down to 40 percent.

Today, the number of farm jobs in the United States of America is just 3 percent of our economy. So the question is, did we lose millions of farm jobs in America in the 20th century? Think about the fact that 40 percent of American jobs were agriculture jobs. Today, there are 140 million working Americans. Based on the 1900 economy, we should have 56 million farm jobs here in the United States, but instead, as I said, we have 4.2 million farm jobs. Have we really lost over 50 million American farm jobs?

The real question we must ask, Mr. Speaker, is the American farm economy better off than it was at the start of the 20th century? Is the American economy, the farm economy, actually better off than it was 100 years ago, and the answer is an unquestionable yes. American farms produce vastly more than they ever could have produced without modern technology, and they are doing it with a tiny fraction of the human capital that was necessary before the agricultural productivity revolution began, and perhaps most significantly, these productivity gains freed up millions of workers to initiate and advance the industrial revolution, paving the way for our modern economy.

So American farms today produce more food, more cheaply, with fewer people than ever before. Food is so cheap that our biggest emerging health problem is what? Obesity.

Now, what does this have to do with the American manufacturing sector? Just like our agriculture sector over a century ago, productivity in American manufacturing industries is on a long-term upward path.

□ 1845

U.S. manufacturing workers are producing more with less. They are reducing waste. They are harnessing new technologies and making the entire sector more efficient and competitive.

At the same time, wages have been steadily climbing. Technology is a huge part of the equation, with computers and robotics doing what tractors and fertilizers did on the farm over the past 200 years and steam engines did in an earlier generation of factories.

The result is that U.S. manufacturing has grown to be so large, the sector is now bigger than the entire Chinese economy. Again, the U.S. manufacturing sector of our economy is so large that it is larger than the entire economy of the People's Republic of China.

At the same time, employment has fallen for 25 years, while the average wages and productivity of the remaining workers have continued to go up.

And just like the productivity revolution that swept our agrarian economy, huge advances in our manufacturing sector have led to a fundamental transformation of our entire economy, from heavy industry to our high-tech 21st century economy.

As U.S. manufacturers have become increasingly productive and efficient over the past 2 decades, more and more Americans have found jobs in cutting-edge fields in the services sector. They are working as financial advisers and wedding coordinators and software engineers, among other areas.

And just like their counterparts in the manufacturing sector, booming productivity is changing the way that they work too. Technology gains and better business practices, not to mention the lower costs brought about by open trade, have empowered Americans in virtually every part of our economy to become more productive. The tech boom of the 1990s clearly changed the way Americans do business. The Internet and the rapid proliferation of personal computers allowed workers to communicate efficiently and quickly.

Data could be transferred with the click of a mouse. The world became a

smaller place, and we all were able to accomplish more in less time and with fewer resources.

But the real story of the productivity revolution is not just greater efficiency. If we look at the impact on the overall economy, the results are even more significant. American consumers now purchase more products and better products for less money. That increase in purchasing power means that our standard of living has gone up and continues to go up, and Americans with the skills and energy to contribute to the economy are able to move into other more productive work, enlarging the overall economic pie.

In fact, Mr. Speaker, productivity growth is so fundamental to both growth in GDP and a rising standard of living that most economists agree it is the single most important economic factor for improving our quality of life.

Now, the economist Paul Krugman, whom I have debated on more than a few occasions and has a tendency to look at the world a little differently than I, writes in his book ''The Age of Diminished Expectations'': ''A country's ability to improve its standard of living over time depends almost entirely on productivity growth.''

Now, Princeton economist William Baumol and Susan Blackman with New York University, along with New York University economist Edward Wolff, write in their book entitled ''Productivity and American Leadership'': ''It can be said without exaggeration that in the long run, probably nothing is as important for economic welfare as the rate of productivity growth.''

Our Joint Economic Committee's recent productivity primer states that ''labor productivity is the most important driver of our standard of living, and its continued rapid growth is great news for the long-run prosperity of the American people.''

Mr. Speaker, the report goes on to say that high productivity is a sign of a healthy, growing economy and points out that if productivity had not fallen during the stagflation days of the 1970s and early 1980s, it says, ''Our standard of living today would be approximately 50 percent higher, adding an extra $5 trillion to the U.S. economy.''

We have an $11 trillion economy today; and had we not seen that productivity slow down during the stagflation period of the 1970s, the economy of the United States would be roughly $16 trillion.

But there has been a lot of anxiety and stress in the American economy caused by this productivity-led long-term transition. This, by the way, was also the case during the height of the Industrial Revolution, when similar long-term economic trends caused great anxiety among the many people impacted by changes in the agrarian society.

Manufacturing workers, in particular, have had to cope with a great deal of anxiety. While productivity growth has steadily reduced employment even as the sector becomes bigger and stronger, recent short-term cycles have made times even tougher.

The 2001 recession led to a sharp drop in business investment, which left U.S. manufacturers struggling. This weak domestic demand was made worse by a worldwide downturn that clearly hurt U.S. exports. This temporary, but very painful, loss of customers, both here at home and abroad, delivered a tough blow to America's manufacturing workers. We all acknowledge that.

But the past couple of months have brought us very good news, Mr. Speaker. Our booming economy has stepped up demand for manufactured goods, particularly high-tech goods. Consumer spending is strong, and business investment is on the rise, causing manufacturing output to increase steadily for a year, and growing markets overseas, like China and India, are importing U.S. products at rapidly growing rates. Our exports to China alone grew by almost 30 percent in the past year.

Let me underscore that again as we got the news today of the current account deficit. Our exports alone last year to the People's Republic of China grew by almost 30 percent.

These strong economic gains have led the turnaround in manufacturing employment. Last month 32,000 manufacturing jobs were created, the fourth straight monthly increase and the strongest employment gains in manufacturing in 45 months. With demand for U.S. goods steadily rising, our manufacturing sector is on track for regaining the jobs that were lost due to the short-term downturn.

But what about the long-term trend of fewer and fewer manufacturing workers and the anxiety that comes with it? The productivity revolution is improving the quality of life for nearly everyone; but just like millions of farm workers, many generations ago, American workers today must increasingly find work outside of the manufacturing sector. Where will these Americans find work? What are the kinds of jobs that are being created? An easy and logical way to find booming job creation is to take a look at the booming consumer demand. What are we spending our money on? What areas of our economy are witnessing big increases in demand?

Mr. Speaker, one of those areas happens to be health care. We have an aging and more health-conscious population. We have had major breakthroughs in pharmaceuticals and biotechnology. Many people believe we are on the cusp of a new wave of biotechnology advancements and investments that will lead to new cures and help Americans live longer, healthier lives.

These factors have led to a greater share of our economy being dedicated to health care. This trend is not just being led by the elderly. I know there is a sense that as we look at the aging population, that all health care costs are focused on the elderly. In fact, while health care spending by the 65-and-older set edged up by only 2.7 percent last year, spending by the under-25 demographic increased by a remarkable 20.8 percent.

Mr. Speaker, as Americans become more and more health conscious, health-related spending across all demographics from the very young to the very old will continue to rise. This strong demand for health-related products and services is driving job creation at the same time. In the past year, physicians' offices hired an additional 45,000 employees, outpatient care centers grew by 9,000 workers, and hospitals added 59,000 people. In just 12 months, the health care industry created nearly a quarter of a million jobs, 225,000 new jobs to be precise.

But this trend in job creation is more than just a year old. Virtually every health-related field has been growing rapidly over the past decade. Physical therapists have grown by 90 percent. Medical assistants have grown by over 70 percent. Home health aides have grown by 138 percent. Rising demand in health care is not just a product, as I said, of an aging population. It is also due to the fact that Americans, particularly younger Americans, are becoming more health conscious. As a result, job creation in more nontraditional forms of health services is growing rapidly as well.

I frequently cite the example of the tremendous increase of massage therapists; and my comments when I talk about that are usually greeted with snickers, but let us keep in mind that massage therapy is a service that more and more Americans are incorporating into their health care regimes. Whether it is for treatment of chronic pain or ailments or simply to promote general well-being, more and more people are relying on massage therapy. And in terms of job quality, this is a profession that pays upwards of $35 an hour, often quite a bit more than that. Furthermore, massage therapists often have the privilege of working independently, which is something that draws a lot of people to that sector. Greater demand for this type of health service has again resulted in greater job creation.

In the past 8 years, the number of massage therapists in this country has more than doubled, growing from 120,000 back in 1996 to nearly 300,000 today. The rapid growth of spa centers across the country indicates that the pace of job creation in this field is going to quicken as well. And with baby boomers set to begin retiring in the near future, the dual trends of increasing demand and increasing job creation in the health care industry overall show no sign whatsoever of slowing down anytime soon.

Mr. Speaker, the Department of Labor's Bureau of Labor Statistics estimates that the health care industry will be one of the largest job creators over the next decade. Home health care services, offices of physicians, outpatient care centers, and hospitals will

all increase employment over the next 4 years by over 16 percent. Over the next 8 to 10 years, the BLS, the Bureau of Labor Statistics, predicts that they will grow nearly 50 percent.

Rising consumer spending on health care is obviously spurring a vigorous debate in Congress over how we will ultimately pay for health services and products. It is an important debate and will no doubt be ongoing as the industry continues to evolve. But there is no question that this rapidly increasing demand is fueling robust job growth and will continue to do so for many years to come.

Another broad area of consumer spending that continues on the rise is housing. Today, the homeownership rate is nearly 70 percent, the highest ever in this country. Nearly 70 percent of the American people own homes. Last year, more houses were bought and sold than ever before in our Nation's history and new-home sales increased by 22 percent.

The rate of spending on real estate in 2004 is still very strong. While new-home sales have tapered slightly over the past 2 months, they are still up nearly 13 percent over the past 12 months, an almost unprecedented increase. In addition, second homeownership is growing rapidly as well. Fueled by baby boomers with empty nests, spending on second homes now exceeds $19 billion a year. That is nearly double what it was 10 years ago.

Of course the housing boom spurs growth in sectors like real estate and construction, but a number of related sectors benefit as well, marketing, finance, home improvement and insurance among others. The housing sector directly accounts for about 13 percent of total gross domestic product in any given year. But this figure is expanded by another 6 percent when you include the indirect boost in spending on items like utilities, furniture, and other housing-related expenses. The multiplier effect is 1.4 to 1.6 in real estate, or, in other words, for every $1 spent on housing, GDP increases by $1.40 to $1.60. Because of this, a dramatic increase in homeownership is very good news for our economy.

The increased spending on housing has also had a direct impact on employment in related sectors. In the past year, real estate employment, including brokers and agents, grew by 24,000 jobs. Architectural and engineering services grew by 7,000 jobs, and the BLS predicts 18 percent growth over the next 4 years.

An interesting twist to this homeownership trend is that while more Americans own homes than ever before, people are spending less and less time at home. One effect this is having on consumer spending and in turn job creation is greater reliance on services than goods. For example, homeowners are increasingly likely to hire a lawn specialist rather than purchase new lawn mowers. This, of course, mirrors the overall trend in our labor force in which more and more workers are finding jobs that provide skilled and often individualized services.

Another growing area of our consumer spending can actually be found in the increasingly significant spending habits of teenagers and college students. Spending in these age groups has grown extremely quickly in recent years. While this category generally doubled every 10 years for most of the second half of the 20th century, it tripled during the 1990s.

So what are these consumers spending their money on? One trend among members of Generation X and Generation Y, particularly males, is that they are watching less and less TV and are turning to other forms of entertainment, particularly the Internet, computer gaming and DVDs. While spending on TVs increased by 5 percent last year, spending on other forms of electronic entertainment like video gaming jumped by almost 11 percent. The result has been growing employment in high-tech entertainment industries. For example, companies that create Web content like eBay and Yahoo have created several thousand new jobs in just the last few months.

Growing Internet use has also spurred growth in online advertising and e-commerce. Large employers in these sectors like Amazon.com and Google are also hiring at a rapid rate for the first time in several years. Employment in Internet publishing and broadcasting is on the rise, growing 7 percent in the past year. This trend appears to have staying power, with the BLS predicting growth in these sectors of over 21 percent in the next 4 years. But demand for Internet content and computer gaming and the jobs they help create are obviously just a narrow slice of the much bigger high-tech picture, and demand for high-tech products overall is just a narrow slice of the total impact that the industry has on our economy at large.

As I discussed earlier, the high-tech boom has been the key factor in the emergence of our 21st century economy and the productivity revolution that ushered it in. Experts and analysts agree that our 1990s tech boom was to a great extent made possible by the falling prices of IT hardware. As demand met supply, companies across America incorporated high-tech products and services in their business plans and the results were nothing less than revolutionary. This process resulted in job creation in fields like systems administration and IT product manufacturing.

But looking at the impact of the high-tech boom in terms of job creation in directly related fields is like saying the significance of the invention of the wheel was that it created wheel-producing jobs. The real significance of the information technology revolution is that it went hand in hand with our productivity revolution. It fundamentally changed how business does business and made American workers tremendously more productive. And it unleashed a powerful new wave of innovation and entrepreneurship.

Online advertising and computer gaming are just the very tip of the iceberg. The high-tech boom has, for example, enabled 430,000 Americans, nearly half a million Americans, to make their entire living by selling and buying on eBay. As I said, that is nearly half a million Americans who run their own business by using a service that was not in existence just 10 years ago. Our IT and productivity revolutions are giving more and more Americans the ability to work independently.

□ 1900

And this is incredibly good news. A recent FedEx survey found that while 10 percent of Americans own their own business, two-thirds said they dreamed of owning their own business some day, and an astonishing 55 percent said that they would leave their current job and start a business if they had a chance to do so. Almost half of the respondents, according to that survey, said that the primary reason they would start a business was that they wanted to do something that they loved or enjoyed.

By making opportunities for entrepreneurship cheaper and more accessible, the Internet and our high tech economy are helping millions of Americans realize their dream of being their own boss and doing something that they love. This powerful American drive to innovate and create and work independently is at the crux of our productivity revolution. American innovation led to the creation of new information technologies, but it did not just stop there. IT products do not integrate themselves into the economy. Hard working and creative Americans harnessed technology, incorporated it into nearly every aspect of our lives, and brought about a wave of productivity that is transforming our entire economy.

This productivity revolution about which I have been speaking has been sustained as Americans continue to find new ways of harnessing these technologies. The Internet, for example, instantly changed how we viewed communications. But it takes time for new advancements to be fully implemented. Even today with PCs and millions of businesses, schools, and homes across America, we are only just beginning to understand the ways that technology can facilitate the things we do every day. As with any technological advancement, there are always lag times between invention, marketing, mass production, and full implementation. As creative Americans learn more and more about the technologies they are using, they will continue to drive our productivity revolution.

As I discussed earlier, productivity growth is the single greatest factor in improving our quality of life and economists across the board and observers have come to that same conclusion. The average productivity growth

throughout most of the latter half of the 20th century meant that the American standard of living would double every 40 years. But the 1990's productivity revolution has accelerated that rate so much that we are now on track to double our standard of living every 25 years, a generation faster than it was increased before.

This is hugely significant to any working family. For any parent working hard to ensure that their kids have the best education and the best opportunities possible, doubling the standard of living a generation faster makes all the difference in the world. And this is why any economic debate, whether it centers on trade or taxes or regulation, should come down to productivity. As policymakers, the question we should always be asking ourselves is, are we empowering Americans to be more productive or are we hindering them?

Today I believe that we are on the right path. Productivity growth continues to strengthen our economy and the effects can be seen in virtually every economic indicator. Growth in GDP, gross domestic product, as we all know, is very strong, running at over 4 percent for 2004. Consumer confidence, industrial production, and home ownership, as I said, are all on the upward trend, and job creation is booming. The Bureau of Labor Statistics' Household Survey shows the creation of 1.5 million jobs since last August, 1.5 million jobs created since last August. Even the Payroll Survey, which does not count for any of the self-employed workers about whom I have been speaking, workers and independent contractors, that we know are rapidly increasing in number, that survey, the Payroll Survey, shows 1.1 million new jobs created since August and over 800,000 jobs created in the first 4 months of this year alone.

But as Will Rogers once said, ''Even if you are on the right track, you will get run over if you just sit there.'' Today we have a number of opportunities to tear down remaining barriers to innovation and entrepreneurship, our chief engines of the productivity revolution.

American companies face a number of factors that restrain productivity. Factors like frivolous litigation and excessive regulation diminish the ability of U.S. companies to boost their productivity the way they would like, thereby hindering job creation. The National Association of Manufacturers estimates that these barriers from frivolous litigation raise the cost of doing business in this country by as much as 25 percent. Those extra costs can be formidable to any company, especially small businesses, and they are holding Americans back from their full productivity potential. Our pro-growth productivity agenda must focus on our efforts to break down these barriers, and I am very happy that this week out of the House we were able to pass the American Jobs Creation Act of 2004, which is specifically designed to decrease the tax burden for job creators so that we can again have an even greater incentive for job growth.

Unfortunately, there are many politicians, led by our colleague Mr. KERRY, who is, as I said, the presumptive Democratic presidential nominee, they are advocating just the opposite, just the opposite to the things that we have been pushing and, frankly, the policies that have led to the very positive growth about which I have been speaking. They are proposing policies that would actually reduce our productivity, a proposition that should be unthinkable in today's economy.

Remarkably, the Senator from Massachusetts claimed in a recent speech to the Teamsters members in Las Vegas that his policies ''will make American businesses more competitive'' and give Americans ''a chance to get ahead.'' And yet Senator KERRY has actually proposed raising taxes on companies that have boosted their productivity and competitiveness by investing in growing overseas markets. He wants to renegotiate trade agreements that have made companies more productive by opening up new markets for American exports and reducing costs through inexpensive high-quality imports.

But we know that the key to strengths being our economy and improving the standard of living for Americans is through productivity growth. We also know that tearing down barriers to innovation, not erecting new ones, is the key to increasing our Nation's productivity.

Today we are at an economic crossroads, Mr. Speaker. Our decisions will have far-reaching effects that could impact our ability to grow and create new opportunities for many years to come. The choice is quite simple: Do we allow our productivity revolution to progress and continue to raise the American standard of living more quickly than ever before, or do we change course and adopt policies that slow productivity, stifle innovation, and diminish our ability to improve our quality of life?

Mr. Speaker, I believe the latter choice is really no choice at all, and I have confidence that this Congress will instead choose to continue down the path toward a brighter future for all Americans.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, JUNE 17, 2004 AT PAGE H4388

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEREUTER (at the request of Mr. DELAY) for today after 6:00 p.m. through June 25 on account of personal business.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ISAKSON (at the request of Mr. DELAY) for today on account of addressing the Georgia School Board Association.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of attending his son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material):

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material):

Mr. GINGREY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 21.

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, June 21, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfuryl Fluoride; Pesticide Tolerance; Technical Correction [OPP–2003–0373; FRL–7346–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8625. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations and Classifications for the 8-Hour National Ambient Air Quality Standards; Deferral of Effective Date [OAR–2003–0083; FRL–7775–5] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8626. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final

rule—Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates [OAR–2003–0083–1; FRL–7774–8] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8627. A letter from the Deputy Associate Adminiatrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE101–1037; FRL–7668–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8628. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [GA–62, GA–64–200418; FRL–7672–4] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8629. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Florida Broward County Aviation Department Variance [R04–OAR–2003–FL–0001–200414(f); FRL–7773–8] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8630. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH–159–1a; FRL–7774–7] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8631. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emission of Radionuclides Other Than Radon From Department of Energy Facilities; National Emission Standards for Radionuclide Emissions from Federal Facilites Other Than Nuclear Regulatory Commission Licenses and Not Covered by Subpart H; Final Amendment—Correction [FRL–7773–5] (RIN: 2060–AI90) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8632. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export [OAR–2003–0130; FRL–7774–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8633. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Transportation Conformity Rule Amendment for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendment: Response to Court Decision and Additional Rule Changes [FRL–7774–6] (RIN: 2060–AL73) (RIN: 2060–AI56) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8634. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations; Sua Sponte Reconsideration [MM Docket No. 93–25] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8635. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 76 of the Commission's Rules to Extend Interference Protection in the Marine and Aeronautical Distress and Safety Frequency 406.025 MHz [MB Docket No. 03–50] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8636. A letter from the Deputy Chief, WCB/PPD, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262]; Reform of Access Charges Imposed by Competitive Local Exchange Carriers; Petition of Z-Tel Communications, Inc. For Temporary Waiver of Commission Rule 61.26(d) to Facilitate Deployment of Competitive Service in Certain Metropolitan Statistical Areas [CCB/CPD File No. 01–19] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8637. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Bloomington, Indiana) [MM Docket No. 03–230; RM–10816] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8638. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Braodcast Station. (Ocilla and Ambrose, Georgia) [MB Docket No. 03–246; RM–10830] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8639. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Colby, Kansas) [MB Docket No. 04–11; RM–10841] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8640. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Jackson, Mississippi) [MM Docket No. 01–43; RM–10041] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8641. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule—Lifeline and Link-Up [WC Docket No. 03–109] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8642. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Vinton, Louisiana, Crystal Beach, Lumbarton, and Winnie, Texas) [MB Docket No. 02–212; RM–10516; RM–10618] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8643. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Post, O'Donnell and Roaring Springs, Texas) [MM Docket No. 01–271; RM–10278; RM–10380] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8644. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cameron, First Mesa, Flagstaff, Dewey-Humboldt, Parker, Bagdad, Globe, Safford, Grand Canyon Village, Gilbert, and Chino Valley, Arizona) [MM Docket No. 02–73; RM–10356; RM–10551; RM–10553; RM–10554] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8645. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ashland, Coaling, Cordova, Decartur, Dora, Hackleburg, Hobson City, Holly Pond, Killen, Midfield, Scottsboro, Sylaocauga, and Tuscaloosa, Alabama, Atlanta, Georgia, and Pulaski, Tennessee) [MB Docket No. 03–77; RM–10660; RM–10835] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8646. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Mt. Vernon and Okawville, Illinois) [MB Docket No. 03–196; RM–10626] Reclassification of License of Station KEZK-FM, St. Louis, Missouri—received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8647. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MB Docket No. 02–349; RM–10600] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8648. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Linden and Marion, Alabama) MB Docket No. 03–162; RM–10723] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8649. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Russellville and Littleville, Alabama) [MB Docket No. 04–12; RM–10834] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a

contract to Pakistan (Transmittal No. DDTC 014–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8651. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 034–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8652. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under a contract with Japan (Transmittal No. DDTC 036–04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with Japan (Transmittal No. DDTC 033–04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8654. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, having been negotiated and approved by the President pursuant to the Atomic Energy Act of 1954, as amended; to the Committee on International Relations.

8655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting as required by Section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1641(c) and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on International Relations.

8656. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2004 through March 31, 2004; to the Committee on International Relations.

8657. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8658. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8659. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8660. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8661. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8662. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the ''Fiscal Year 2003 Accounting of Drug Control Funds,'' pursuant to 21 U.S.C. 1704(d); to the Committee on Government Reform.

8663. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Division F, Section 647(b) of Pub. L. 108–199, the Board's FY 2003 report on competitive sourcing efforts; to the Committee on Government Reform.

8664. A letter from the Chairman, Tennessee Valley Authority, transmitting the report in compliance with the Government in the Sunshine Act for Calendar Year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8665. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's report on FY 2003 competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108–199; to the Committee on Government Reform.

8666. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8667. A letter from the Commissioner, Social Security Administration, transmitting the 2004 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104—193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

8668. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Australia Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA 2104–11''; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 4613. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee on Appropriations. H.R. 4614. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3706. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes (Rept. 108–555). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WALDEN of Oregon (for himself and Mr. DAVIS of Florida):

H.R. 4612. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a uniform certification standard for Internet pharmacies and to prohibit Internet pharmacies from engaging in certain advertising activities, to prohibit the use of certain bank instruments for purchases associated with illegal Internet pharmacies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. HYDE, and Mr. FRANK of Massachusetts):

H.R. 4615. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Mr. EVANS, and Mr. MICHAUD):

H.R. 4616. A bill to amend title 38, United States Code, to extend for four years the operation of the demonstration project of the Secretary of Veterans Affairs to guarantee hybrid adjustable rate mortgages for the construction or purchase of homes by veterans; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 4617. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. ISRAEL, Mr. NADLER, Mr. MCNULTY, Mr. ACKERMAN, Ms. SLAUGHTER, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. MEEKS of New York, Mr. SWEENEY, Mr. SERRANO, Mr. BISHOP of New York, Mr. FOSSELLA, Mr. CROWLEY, Mr. KING of New York, Mr. OWENS, Mr. WALSH, Mr. RANGEL, Mr. REYNOLDS, Ms. VELAZQUEZ, Mrs. LOWEY, Mr. HINCHEY, Mr. WEINER, Mrs. MALONEY, Mr. HOUGHTON, Mrs. KELLY, Mr. BOEHLERT, Mr. MCHUGH, and Mr. QUINN):

H.R. 4618. A bill to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the ''Anthony I. Lombardi Memorial Post Office Building''; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 4619. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself and Mr. HASTINGS of Washington):

H.R. 4620. A bill to confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State

regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; to the Committee on Agriculture.

By Mr. RENZI (for himself, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. FLAKE, Ms. KAPTUR, Mr. KUCINICH, and Mr. SMITH of New Jersey):

H.R. 4621. A bill to amend title 38, United States Code, to provide that an injury or death sustained as a result of participation in a medical research program of the Department of Veterans Affairs shall be treated for purpose of benefits under laws administered by the Secretary of Veterans Affairs in the same manner as if the injury were incurred as a result of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMPSON (for himself, Mr. DINGELL, Mr. PALLONE, Mr. WAXMAN, Mr. NORWOOD, Ms. ROYBAL-ALLARD, Mr. CRAMER, Mr. MCNULTY, Mr. BLUNT, Mr. LINDER, Mr. BOUCHER, Mr. PASTOR, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. DICKS, Mr. ANDREWS, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mr. MCINTYRE, Mr. MATSUI, Mr. LARSEN of Washington, Mr. ENGEL, Mr. CONYERS, Mr. CUNNINGHAM, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. PASCRELL, Ms. BORDALLO, Mr. SHUSTER, Mr. FERGUSON, Mr. LOBIONDO, Mr. TURNER of Texas, Mr. BROWN of Ohio, Mr. STUPAK, Mr. STRICKLAND, Mr. SIMMONS, and Mr. ALLEN):

H.R. 4622. A bill to provide disadvantaged children with access to dental services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 4623. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Resources.

By Ms. WATSON:

H.R. 4624. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.J. Res. 98. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Resources.

By Mr. THOMPSON of Mississippi (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. MEEKS of New York, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WYNN):

H. Con. Res. 457. Concurrent resolution expressing the sense of Congress with respect to the murders of James E. Chaney, Michael Schwerner, and Andrew Goodman; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

H. Res. 682. A resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organization's universal protocol for preventing errors in the operating room; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

356. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 17 memorializing the United States Congress to posthumously promote Colonel Edward Ephraim Cross to brigadier general; to the Committee on Armed Services.

357. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 40 memorializing the United States Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Energy and Commerce.

358. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 247 memorializing the United States Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (H.R. 1123); to the Committee on Energy and Commerce.

359. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 187 memorializing the United States Congress to propose a constitutional amendment to protect the fundamental institution of marriage as a union between a man and a woman; to the Committee on the Judiciary.

360. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 194 rescinding and withdrawing all past resolutions of the General Assembly applying to the Congress of the United States to call a constitutional convention to amend the Constitution of the United States; to the Committee on the Judiciary.

361. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 65 memorializing the United States Congress to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Transportation and Infrastructure.

362. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 234 memorializing the United States Congress to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. ISTOOK.
H.R. 97: Ms. MILLENDER-MCDONALD.
H.R. 107: Mr. COX.
H.R. 548: Ms. HERSETH.
H.R. 577: Mr. RODRIGUEZ and Mr. NADLER.
H.R. 792: Mr. GREEN of Texas and Mr. LAMPSON.
H.R. 1105: Mr. WU.
H.R. 1359: Mrs. JONES of Ohio.
H.R. 1555: Mr. BERMAN, Ms. DEGETTE, and Ms. MAJETTE.
H.R. 1736: Mr. EMANUEL and Mr. ETHERIDGE.
H.R. 1811: Mr. MICHAUD, Mr. GRIJALVA, and Mr. RAMSTAD.
H.R. 1823: Mr. MCNULTY
H.R. 1914: Mr. CALVERT.
H.R. 1919: Mr. SERRANO.
H.R. 2011: Mr. MARKEY.
H.R. 2023: Ms. BORDALLO.
H.R. 2247: Mr. EMANUEL.
H.R. 2442: Ms. VELAZQUEZ and Mrs. KELLY.
H.R. 2674: Ms. WATSON, Mr. CUMMINGS, and Mr. RANGEL.
H.R. 2814: Mr. BEREUTER.
H.R. 2929: Mr. DOOLITTLE and Mr. UPTON.
H.R. 2959: Mr. SANDLIN.
H.R. 2966: Mr. FILNER.
H.R. 3148: Ms. WATSON, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. GREENWOOD, Mr. KILDEE, Mr. MCDERMOTT, Mr. COSTELLO, Mr. SULLIVAN, Mr. FARR, Mr. GREEN of Wisconsin, Mr. PETRI, and Mr. CRANE.
H.R. 3193: Mr. GILLMOR.
H.R. 3266: Mr. LANGEVIN, Mr. WEINER, Mr. SMITH of Texas, Mr. HUNTER, Mr. BOEHLERT, Mr. HOLDEN, Mr. GALLEGLY, Mr. NADLER, Mrs. CHRISTENSEN, Mr. CARDIN, Mr. DICKS, Mr. FEENEY, Ms. HARMAN, Mr. KELLER, Mr. ANDREWS, Mr. MEEK of Florida, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GOSS, Mr. GOODLATTE, Mr. HOLT, Mr. LEWIS of California, and Mr. BECERRA.
H.R. 3361: Ms. NORTON.
H.R. 3523: Mr. GONZALEZ.
H.R. 3634: Mr. PAYNE.
H.R. 3729: Mr. LOBIONDO, Mrs. LOWEY, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. KIND, and Mr. GARRETT of New Jersey.
H.R. 3764: Mr. FILNER.
H.R. 3799: Mr. HERGER.
H.R. 3858: Mr. AKIN.
H.R. 3886: Mr. MORAN of Kansas and Mr. MOORE.
H.R. 3921: Mr. ALLEN.
H.R. 3947: Mr. BISHOP of Georgia and Mrs. LOWEY.
H.R. 3965: Mr. TIERNEY.
H.R. 3988: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. ALLEN, and Ms. WATSON.
H.R. 4046: Mr. WELLER, Mr. MCDERMOTT, Mr. BISHOP of Georgia, Mr. BACA, Mr. ACKERMAN, Mr. GONZALEZ, and Mr. MCNULTY.
H.R. 4101: Mr. EHLERS and Mr. SAXTON.
H.R. 4110: Mr. MCKEON, Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. GALLEGLY.
H.R. 4234: Mr. WAXMAN and Mr. COSTELLO.
H.R. 4258: Mr. SANDLIN, Mr. LEWIS of Georgia, Mr. HILL, Ms. HOOLEY of Oregon, Mrs. JONES of Ohio, Mr. GREEN of Texas, Mr. SKELTON, Mr. HASTINGS of Florida, Mr. MOORE, Mrs. CAPPS, Mr. NADLER, Ms. ROYBAL-ALLARD, Mrs. MALONEY, and Ms. KILPATRICK.
H.R. 4276: Mr. LARSEN of Washington.
H.R. 4306: Mr. FORD.
H.R. 4341: Ms. BERKLEY.
H.R. 4365: Mr. BERMAN.
H.R. 4367: Mr. TURNER of Texas, Mr. SCHIFF, and Mr. ORTIZ.
H.R. 4395: Mr. LARSEN of Washington.
H.R. 4420: Mr. FORBES and Mr. BOOZMAN.
H.R. 4423: Mr. PASTOR and Mr. FRANK of Massachusetts.
H.R. 4425: Ms. NORTON, Mr. DOYLE, and Mr. WEXLER.
H.R. 4431: Mr. OWENS, Mr. GREEN of Texas, and Mr. FORD.
H.R. 4472: Mr. PLATTS.
H.R. 4530: Mr. GALLEGLY.
H.R. 4550: Mr. DICKS, Mr. CARDOZA, and Mr. SANDLIN.
H.R. 4561: Mr. OWENS, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mr. WAXMAN, Mr. GRIJALVA, Mr. FARR, Mr. PAUL, and Mr. PAYNE.
H.R. 4597: Mr. KING of New York.
H. Con. Res. 332: Mr. CRENSHAW.
H. Con. Res. 344: Mr. CROWLEY.

H. Con. Res. 375: Ms. WATSON, Ms. BERKLEY, and Mr. CALVERT.

H. Con. Res. 377: Mr. SESSIONS.

H. Con. Res. 434: Mr. RANGEL.

H. Con. Res. 436: Mr. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Ms. WATSON, Mr. CLAY, and Mr. SCOTT of Virginia.

H. Con. Res. 440: Mr. SOUDER and Mr. FRANKS of Arizona.

H. Con. Res. 442: Mr. KLINE.

H. Con. Res. 449: Mr. NORWOOD, Mr. ISAKSON, Mr. LEWIS of Georgia, Mr. KINGSTON, Mr. MARSHALL, Ms. MAJETTE, Mr. LINDER, Mr. ROSS, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. OTTER, Mr. GONZALEZ, Mr. MCGOVERN, Mr. SHIMKUS, Mr. FORD, Mr. SERRANO, Mr. HAYWORTH, and Mr. RUSH.

H. Res. 629: Mr. STARK

H. Res. 632: Mr. WEXLER.

H. Res. 667: Mr. ROHRABACHER, Mr. KING of Iowa, Mr. ROYCE, Mr. VITTER, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. HAYWORTH, and Mr. SMITH of Michigan.