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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

Dr. Johnny Hunt, Pastor, First Baptist Church, Woodstock, Georgia, offered the following prayer:

Our Heavenly Father, we are grateful for the life that You have so blessed us with and for health and strength to enjoy it. Lord, thank You for the privilege to pray for President Bush, Vice President CHENEY, their Cabinet, and their families. Lord, I pray for this Congress that You would grant them wisdom.

Lord, thank You for this great country and for the freedom we enjoy. Please bless, protect, strengthen, and encourage our troops in Iraq, Afghanistan, and other places of service around the world. And please bless their precious families and protect them.

We join the Puritans of old and ask, ''Deliver us from the natural darkness of our minds, from the corruption of our hearts, from the temptation to which we are exposed, from the daily snares that tempt us. I realize that we are in constant danger while in this life. Let Your watchful eye ever be upon us for our defense.

Lord, we love You and need You. Help us to lead others in the way You have led us. We make our prayer in the name above every name, the name of Jesus Christ our Lord.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCHENRY 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.

RECOGNIZING GUEST CHAPLAIN DR. JOHNNY HUNT

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

Mr. LINDER. Mr. Speaker, it is my pleasure today to rise to recognize our guest chaplain, Dr. Johnny Hunt, the pastor of the First Baptist Church of Woodstock, Georgia.

It is a remarkable life story. He spent time many years ago in jail, and on a snowy night in January of 1973, he met his Lord and he spent much of the last 32 years on his knees. He travels the country speaking on behalf of his beliefs and his faith. He has built a remarkable church in Woodstock, Georgia, with 14,000 members.

Since his life has changed, he has changed the lives of thousands of other people at First Baptist and has made it his goal to tell as many people as possible about the new life that can be experienced through faith and spiritual guidance.

Today, the First Baptist Church of Woodstock serves the community in a number of ways, conducting Sunday services, providing mission training for trips abroad, providing daily child care, conducting English-as-second-language classes, and allowing individuals the chance to discuss a variety of issues affecting daily life.

His inspiring prayer will remain with us, and his dedication to the ministry will always be appreciated. I am very proud to have Dr. Johnny Hunt serve as our chaplain to the House today.

TRIBUTE TO THE LATE PFC TRAVIS ANDERSON

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

Mr. SALAZAR. Mr. Speaker, I rise today to recognize and honor Army Private First Class Travis Anderson, who was killed in the line of duty while serving his country honorably in Iraq.

He was extremely proud to wear his Nation's uniform, and we should all pay tribute to this brave and courageous young man.

Each day our men and women willingly face unknown dangers as part of the effort to promote peace and democracy throughout the world. Their individual stories of honor and courage must not be forgotten.

Travis Anderson was from the San Luis Valley in Colorado, and he loved hunting and fishing. He was an excellent marksman and was one of the best known coyote hunters around. Travis knew from an early age that he wanted to use his talent to serve his country. His passion for serving his country and marksmanship earned him a place in the elite Special Forces.

On May 13, 2005, Pfc Travis Anderson was killed when a car bomb detonated

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near his convoy in Iraq. He made the ultimate sacrifice for his country. He was 28 years old.

My heart goes out to Travis's family: his grandmother, Violet; his mother, Barbara; and his siblings, Toscha, Amanda, Bissy, and Buddy. They too have sacrificed for our Nation. I am humbled by their strength and perseverance in the face of such hardship.

Pfc Anderson died performing the most noble of deeds serving and protecting his Nation and fellow countrymen. Travis and his family have exhibited a rare form of selflessness and courage.

I submit this recognition to the United States House of Representatives in honor of their sacrifice so that Travis Anderson may live on in memory.

BIPARTISANSHIP IN THE HOUSE

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

Mr. SHIMKUS. Mr. Speaker, yesterday we passed the first of 10 appropriation bills by a large bipartisan majority. It was nice to see and has become somewhat of a common practice this year.

The energy bill was passed by this House by a vote of 249 to 183 with 41 Democrats supporting. The highway bill passed with a vote of 417 to 9 with 198 Democrats supporting. The class action reform passed this House with a vote of 279 to 149 with 50 Democrats supporting. The death tax repeal passed, 272 to 162 with 42 Democrats supporting. Bankruptcy reform passed this House by a vote of 302 to 146 with 73 Democrats supporting. And the continuation of government passed by a vote of 329 to 68 with 122 Democrats supporting.

The public needs to know that this is a very impassioned body, and we should really appreciate that; but the true test of how we work together is when we count the votes.

ASTRONOMICAL ARROGANCE

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

Mr. KUCINICH. Mr. Speaker, the administration is considering putting weapons in outerspace to give the United States the power to control the world. This astronomical arrogance pushes not simply aggression to new heights but may well preclude our Nation from spending money for anything other than weapons which will cost hundreds of billions of dollars.

The National Aeronautics and Space Act of 1958 states that it is ''the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.'' Space was envisioned as a place of cooperation, of confirming human unity, a place where we could aspire to build a new platform of peace, fulfilling the prophecy of the poet Browning, who wrote: ''But a man's reach should exceed his grasp, or what's a heaven for?''

What has happened to our country? Why are we projecting fear and paranoia to such heights? Have we so lost our way and our faith that we are prepared to transform the heavens into hell? If the kingdom and the will of God is to be done on Earth as it is in heaven, what is to happen when the United States takes nuclear fire up to the gates of heaven? Such an offense against humanity could bring the wrath of God upon this Nation.

JUSTICE JANICE ROGERS BROWN DESERVES A FAIR VOTE

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

Mr. WILSON of South Carolina. Mr. Speaker, for over 200 years, judges have been confirmed by a simple majority vote.

When President Clinton was in office, his nominees required only 51 votes to be confirmed by the Senate. Unfortunately, Democrats have changed the rules and require today's nominees to receive an unprecedented 60-vote standard.

Justice Janice Rogers Brown of California is one of the many highly qualified nominees who are being denied a fair up-and-down vote. Justice Brown is the first African American to serve on California's highest court and was retained with 76 percent of the vote statewide in her last election. However, Democrats are denying her the opportunity of a fair vote simply because she was nominated by President Bush.

On Monday, Majority Leader FRIST explained in USA Today why the Democratic obstructionism is harmful to the American people and the constitutional process. When our courthouses sit empty, Democrats should not be focused on partisan games.

In conclusion, God bless our troops and we will never forget September 11.

BRITISH ASSOCIATION OF UNIVERSITY TEACHERS' BOYCOTT OF ISRAEL

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

Mr. WEINER. Mr. Speaker, sometimes events happen one after another and no one calls attention to a pattern. Today, alarm bells should be going off about the rising threat of anti-Semitism. When Arab countries practiced anti-Semitism, when textbooks made Jews out to be devils, commentators here said, Well, that is just the Israeli conflict; do not worry. When some countries voted against Israel in the United Nations as a matter of routine, the pundits said it is just to win favor with oil-rich nations: Do not worry.

When synagogues are desecrated in France and Jews attacked in that country, the calm observers said: It is just peculiar to France, do not worry.

On April 22, the British Association of University Teachers representing nearly 49,000 higher education professionals decided to boycott all relationship and exchanges with Bar-Ilan and Haifa University in Israel. Now what do the ''do not worry about anti-Semitism'' crowd say? The very citadels of civilization are experiencing a rising tide of anti-Semitism. Not only Britain but the academics and intellectuals of Britain. We must call it out, confront it.

We have learned this lesson: the answer to anti-Semitism is not silence; it is not acquiescence. It is to call it by its name and fight. I call on the Bush administration to join me.

HARRY REID AND FBI FILES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to voice my concerns about a character assassination. This is a 21st-century form of McCarthyism being perpetrated by the Democratic leadership in the United States Senate.

I was deeply troubled by the Senate minority leader's statement on the floor of the Senate on Thursday about His Honor Judge Henry Saad of my home State of Michigan. Judge Saad, whose nomination to the Sixth Circuit Court of the United States Court of Appeals has been obstructed by the Democrats in the Senate, was unfairly and unjustly targeted by the Senator during the debate about filibustering.

The minority leader publicly alluded to Judge Saad's confidential FBI file. He intimated there was something troubling or at the least disconcerting in the file. These FBI files are raw. They have not been fully vetted, and every judicial nominee has one. What is most troubling to me is that the Senate minority leader either knew, or should have known, that this was a low blow. He either knew, or should have known, that Judge Saad cannot even see his own file. He cannot even defend himself. The Senator is smearing a man who is not allowed to respond by the Senate's own rules. That, of course, is hitting below the belt.

Mr. Speaker, the Senator is instituting a modern-day version of McCarthyism. I ask him to stop smearing and to start leading.

ANTONIO VILLARAIGOSA, MAYOR OF LOS ANGELES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise very proudly to congratulate Antonio Villaraigosa as the newly elected

mayor of the City of Los Angeles. Believe it or not, the last Latino mayor elected in the City of Los Angeles, which is overwhelmingly Latino and African American and Asian, was back in 1872. Can we imagine what a whirlwind of change has occurred?

Antonio Villaraigosa is one of the Nation's most promising leaders of our country. I served with him in the State assembly and he served as the assembly speaker for the great State of California, where he helped to expand the Healthy Families program, which we know here as at the Federal level as the S–CHIP program, and helped to pass one of largest park bonds in the State of California which helped to identify areas in low-income communities to establish urban conservancies. And my district was a proud recipient of one of the largest urban conservancies in California.

Antonio is one of those individuals who will bridge the gap in our communities. He is about empowering people, empowering our communities, putting public safety and education first, and helping to fight crime.

I look very much toward his leadership and know that the country is looking at our great State of California, and especially Los Angeles; and I am proud to say that a portion of my district, he and I have similar jurisdiction in the community of El Serreno. So he is a champion, someone I continue to work with, and I extend the best wishes to him and his family.

THE ECONOMY AND JOBS

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

Mr. TIAHRT. Mr. Speaker, last year's trade deficit reached $670 billion. Our Federal deficit was over $300 billion. Top-rate jobs have gone overseas. How did we get in this situation? How did we get in this position?

Mr. Speaker, over the last generation Congress has passed laws with good intent, but with terrible consequences. Our government has created barriers to creating jobs, and the results have not been good.

Other nations are rising to the challenge of tomorrow's economy. China is graduating 350,000 engineers every year. India graduated 80,000 software engineers last year. While we are reducing the number of visas for creative talent in America, other countries are developing their talent.

Mr. Speaker, we have to change the environment in America and remove the barriers created by Congress. If we are going to avoid becoming a third-rate economy in the future, we have to pass legislation like the Central America Free Trade Agreement so we can create jobs, strengthen our economy, balance the trade deficit, balance the Federal budget right here in America. We can do it by passing this legislation along with others, Mr. Speaker; and as we lead the challenge for competitiveness in America, we hope that our colleagues will join with us from the other side of the aisle.

□ 1015

SENATE AS THE NEW WHITE HOUSE RUBBER STAMP

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, Senate Republicans, at the prodding of the White House, will soon attempt to abolish the use of the filibuster when it comes to judicial appointments. It is clear that the White House is encouraging this action so it can have more control over the United States Senate. For over 200 years the right to filibuster, or the right to unlimited debate, has been a Senate tool that encourages compromise and moderation. Compromise and moderation, not two words that you equate with either this House or the White House unfortunately.

President Bush does not like to compromise. That is why he is unhappy with having 95 percent of his judicial appointees approved by the Senate. Despite the fact that he has had more judges approved than any President since Reagan, Bush encouraged Senate Republicans to take the nuclear option by reappointing judges that could not receive bipartisan consensus during his first term.

The President is also not a moderate. He said that conservative judges Scalia and Thomas are his favorites on the Supreme Court.

The President is encouraging this extreme action so that he can eventually have Senate Republicans rubber stamp conservative justices to the Supreme Court, without any attempt to find common ground. This democracy should not tolerate this abuse of power.

SOCIAL SECURITY DEMOCRAT PLAN

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

Mr. MCHENRY. Mr. Speaker, goodness gracious. The day has finally come. The Democrats, after 5 months, have proposed a way to fix Social Security, and they will fix it all right, by raising our taxes. That is right. The new Democrat plan would increase taxes to fix Social Security.

The proposal would hike taxes by 6 percent on middle class families and small business owners. What more can we expect from the tax and spend party, Mr. Speaker? Instead of transforming the program, by modernizing retirement security, the Democrats want to use an old method, by raising taxes.

But there is a new, better solution, Mr. Speaker: personal savings accounts, personal retirement accounts. By allowing younger workers to put a portion of their Social Security taxes into personal retirement accounts, we lessen the liability on the program and we fix Social Security in a lasting and sincere way.

When folks have personal retirement accounts, there is no Social Security surplus for politicians to raid, and we do not have to worry about Democrats raising taxes to do it.

Personal retirement accounts, Mr. Speaker, a new solution to update and strengthen an old program.

LOOKING AHEAD TO THE SUPREME COURT

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

Mr. CROWLEY. Mr. Speaker, the extreme action Senate Republicans want to take later this week has nothing to do with seven judges who have yet to be approved by the Senate. No, the Senate has approved more of President Bush's nominees than any President since President Reagan. In fact, he has had so much success that he is now presiding over the lowest court vacancy rate in 15 years.

The Republican power grab is about clearing the way for a Supreme Court nominee who only needs 51 votes instead of 60 votes.

Conservative Senate Republicans do not want a David Souter or a Stephen Breyer, judges who were confirmed with nearly unanimous bipartisan support. Instead, they want a Clarence Thomas, who was confirmed with only 52 votes and has since been proven to be an extremist on the Court.

Mr. Speaker, Senate Republicans are preparing to blow up 200 years of tradition in the U.S. Senate, abusing their power now, so they can have greater control over the judiciary later on. That is not how our Founding Fathers envisioned the checks and balances that exist between the branches of our government. The sad fact is, I do not think my colleagues on the other side of the aisle care.

EMBRYONIC STEM CELL RESEARCH

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

Mr. PENCE. Mr. Speaker, in the coming days Congress will consider legislation to make taxpayer dollars available for what is known as embryonic stem cell research, setting the case for an imminent Presidential veto.

In 2001, President Bush made the moral dimensions of scientific testing on human embryos clear. These are the principles.

It is morally wrong to create human life to destroy it for research. Also, it is morally wrong to take the tax dollars of millions of pro-life Americans

and use them to finance research that they find morally objectionable.

The choice of our time was described millennia ago: See I set before you blessings and curses, life and death. Now choose life that you and your children may live.

I urge my colleagues to stand for the sanctity of life at every level. Stand with President George W. Bush. Reject taxpayer funding of human embryo research.

FRIST'S PAST ACTIONS DO NOT SUPPORT TODAY'S WORDS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, it is not in the American people's interest to change Senate rules that assure that all points of view are heard and which have been in place for over 200 years.

Mr. Speaker, today Senator FRIST is prepared to take the extreme action of upending historic Senate rules under the guise that he says all judicial nominees are entitled to an up or down vote.

That is what he is saying today, but he was singing a different tune back when President Clinton was in the White House. Back in 2000, Republican Senators attempted to filibuster two of that administration's appointments to the 9th Circuit. Senator FRIST joined some of his Republican colleagues back then in continuing a filibuster of nominee Richard Paez.

There are also other ways to prevent up or down votes on the floor. They can stall them in committee, and that is what happened to President Clinton's nominees. More than one-third of Clinton's appeals court nominees during the last 4 years of his presidency were never given an up or down vote on the Senate floor.

We did not hear Senator FRIST demanding an up or down vote then, and while Democrats and President Clinton complained about the treatment of Clinton's nominees from Republicans at that time, they never came close to subverting 200 years of historic rules that have been in place to assure majority and minority opinions in that Chamber are heard.

Sometimes, with one party rule, the majority becomes abusive in its use of power. This is just such an instance. The Senate as an institution belongs to the American people, to those who agree with the majorty and those who hold minority opinions all have a right to be heard. Under our Constitution and time-tested institutional procedures, let all our people's voices be heard.

FEDERAL BUDGET

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

Mr. GINGREY. Mr. Speaker, I rise today to remind my colleagues that we have a responsibility to use restraint in our budget process.

This week, we begin debate on a series of appropriations bills that will fund America's priorities and necessities. We should use this moment to redouble our efforts to ensure Federal money is not wasted on pet projects and underperforming programs.

As President Bush reminded us in his State of the Union address this year, ''Taxpayer dollars must be spent wisely, or not at all.''

Mr. Speaker, we have two courses of action. First, we must keep nonmilitary discretionary spending in check. Second, we must attack our bloated and often inefficient bureaucracies by eliminating waste, fraud and abuse.

Much of the money in our Federal budget is well spent, but our goal should be for all of the money to be spent wisely.

We have a responsibility to the people of this Nation to use their tax dollars with care. The American family pays too high a price in taxes for our burgeoning Federal Government, and spending restraint will help lower taxes on those who need it most, hard-working Americans.

THE SENATE FILIBUSTER

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, today, we may find out whether President Bush and his Congressional colleagues want to turn the Senate into a second House of Representatives, a rubber stamp for a right wing agenda and radical judges.

President Bush wants to pack the Federal courts with the extreme right fringe of this country, putting at risk the rights and liberties this country has fought for and protected for centuries. He wants to create a Supreme Court that will not act as an independent branch but instead wag its tail at every beck and call.

Mr. Speaker, Republican leaders are out of control. Instead of governing and tending to the Nation's business, they are on a quest for absolute power. They are on a mission to trash our Founding Fathers' commitment to the separation of powers and the abhorrence of simple majority rule.

While the Republicans continue their odyssey for absolute power, Democrats are fighting to protect our constitutional checks and balances and to ensure that we remain a Nation ruled by laws and not by men.

SENATE LEADERSHIP WANTS AN UP OR DOWN VOTE ON COURT NOMINEES

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

Mr. KINGSTON. Mr. Speaker, as my colleagues know, the United States Senate leadership wants to have an up or down vote on Supreme Court nominees. Why? Because that is what the Senate should be doing: voting yes, voting no.

We have heard that the President is promoting extreme fringe members of the judiciary for appointments on his court. That being the case, why do the Democrats not have the guts to just go ahead and debate it in public, instead of hiding behind the cloak of committee? It is incumbent protection. Let us bring the votes to the floor.

I want to introduce to my colleagues one of these nominees, Justice Janice Rogers Brown. She was elected with 76 percent of the State-wide vote in California, hardly an extremist if one gets 76 percent of the vote in California. She was born the daughter of a sharecropper in Alabama in 1948 and grew up under Jim Crow laws in the South. She is a self-made woman. She is a fighter. She is a mainstreamer. She deserves an up or down vote.

That is all the Senate majority leader is asking for, asking these very cowardly Democrats to say you know what, if you believe that somebody elected with 76 percent of the vote in California is an extremist, have the guts to put it on the board and vote yes and vote no, but let us see where you stand.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are cautioned to refrain from engaging in personalities with regard to Senators.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 23

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1817, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are

waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Homeland Security, Energy and Commerce, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us today is a fair, structured rule that provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

It provides that in lieu of the amendments recommended by the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the Committee on Rules report shall be considered as the original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the amendment in the nature of a substitute printed in part A of the Committee on Rules report and makes in order only those amendments printed in part B of the Committee on Rules report.

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These amendments may only be offered in the order printed in the report and only by the Member designated in the report. They shall be considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or a demand for the division of the question in the House or in the Committee of the Whole.

Finally, this rule waives all points of order against the amendments printed in part B of the Committee on Rules report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying legislation, the first ever Homeland Security authorization legislation. The rule before us today is a fair rule that will allow for consideration of 25 amendments to the legislation, 13 of which are sponsored by a Member of the minority party, 10 by Members of the majority party, and two which enjoy bipartisan sponsorship.

This bill, brought to the floor today by the leadership of my friend, the gentleman from California (Mr. COX), and the ranking member, the gentleman from Mississippi (Mr. THOMPSON), empowers the core mission of the Department of Homeland Security, which is, first, to prevent terrorist attacks within the United States; second, reducing America's vulnerability to terrorism; and, third, responding to and recovering from terrorist attacks if some tragedy does occur.

It accomplishes this necessary and singularly important goal by ensuring that the Department has the resources and the authority it needs to prevent and prepare for terrorist attack, and to respond to and recover from an attack if one does occur.

Through the authorization of over $34 billion in homeland security spending in 2006, this legislation will ensure that our Nation's highest funding priorities are met. It also includes a number of other legislative and oversight measures to strengthen and improve the safety of Americans here at home, including:

Deploying counterterrorism technologies within 90 days so that Federal, State, local, and private sector officials can prevent domestic terror;

Funding 2,000 additional border patrol agents;

Assessing the effectiveness of operations at the Departments of Customs and Border Protection and Immigration and Customs Enforcement so that spending on these programs is efficient and effective;

Consolidating the current background check system, so that individuals can be prescreened by checking their names and biometric identifiers against terrorist watch lists and other criminal databases;

Adopting risk-based cargo screening, and expanding the number of foreign ports where Customs and Border Patrol agents screen incoming containers from 36 to approximately 50 ports;

Improving information analysis and infrastructure protection recruiting;

Improving nuclear and biological intelligence;

Establishing a one-stop shop within the Department of Homeland Security for reliable, comprehensive, and accessible open-source intelligence information and analysis;

Providing better information to local leaders by requiring that any threats be communicated in a manner that limits confusion and operational conflicts;

Clarifying the color-based threat system so that specific information is given directly to regions, States, localities, and private sector industries;

Creating a National Terrorism Exercise program to coordinate and establish minimum standards for all Federal, State, and local terrorism drills; and

Providing for greater Federal, State, and local homeland operations collaboration that needs to take place.

By providing leadership and guidance on these issues and many others, Chairman COX and his committee have provided this House with a product that I believe is effective in providing for the security of our homeland, which deserves the support of every single Member of this body. I urge my colleagues to support this rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, famed writer and political commentator George Orwell once wrote that ''people sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf.'' That statement should have a special resonance for Americans in today's world.

We are fighting a new kind of war every day here in America. Our struggle against terror is one that requires us to focus our resources inward like no time in our history, because today the battlefields are the streets and sidewalks of this country and not some faraway land.

We have to ensure that our government is prepared to responsibly address any threat that imperils the peace and prosperity of this Nation. Only then will the American people truly sleep peaceably through the night. That is why this Homeland Security authorization bill is critically important, because it represents the blueprint of our homeland defense and our collective peace of mind for many years to come.

With such a weighty mandate, I would like to congratulate the Committee on Homeland Security in putting together their first committee authorization. But I would have wished

today for an open rule, and we are still faced with serious issues of accountability and trust in the management of the Department of Homeland Security. This is in no small part as a result of the Bush administration's unwillingness to fill critical job vacancies at the senior levels of the agency.

In fact, the Department of Homeland Security has had two Secretaries and three Deputy Secretaries in 2 years. Today, 42 percent of the high-level political positions inside the agency are vacant or staffed by people who have already announced their departures. This lack of stability at the Department has impacted the agency's ability to meet its mandate effectively.

For example, in my district, the Peace Bridge, which connects Buffalo to Canada, continues to face obstacles in moving to alleviate traffic congestion. Last December, the United States and Canadian governments agreed to move forward with a shared border management initiative which would remedy the situation. But it has been stalled by endless bureaucracy and lack of accountability at the Department of Homeland Security.

But it is not just a lack of accountability that has plagued the agency. Our country's epic struggle against terror is also a struggle against fear. We recently discovered that the infamous homeland security terror alerts, which were raised so often in the months leading up to the Presidential election, and rarely since, if ever, were repeatedly elevated over the objections of the Homeland Security Secretary and his staff. The terror alerts were raised on what Secretary Ridge himself called ''flimsy evidence'' by individuals in the administration who were really aggressive about raising it, which shows that they were used for political purposes.

I know I am not the only one who questions why in the 5½ months since election day there has not been a single terror alert. Perhaps Mr. Ridge's comments put the answer in the proper perspective. That constitutes a violation of trust with the American people, and we cannot afford that in this war on terror. We ought not to employ the tactics of fear as a means of control in our pursuit to keep the homeland secure. Such draconian measures are not in keeping with the spirit of America.

It is beneath us as a Nation to have partisan politics injected into our national security apparatus in an ugly and manipulative way. We dare not trade in a currency of fear, but rather should strive to liberate ourselves from fear through awareness of our world and an honest understanding of the challenges which lay before us.

I know many of my colleagues on both sides of the aisle agree on this principle, and I am pleased that the committee has seen fit to include more specific criteria for how the terror alert is and is not to be utilized. Likewise, the appropriation bill passed yesterday by a nearly unanimous vote also included measures that promise to provide a higher degree of accountability at the agency, accountability that I am sure we all agree is sorely needed.

Despite the serious problems at DHS, which still must be addressed, there is much in this authorization bill that I believe every Member of Congress will support. As a representative from a border State, I am pleased to see that the legislation authorizes $1.9 billion, enough money to hire 2,000 additional border agents this year, agents sorely needed. This funding would mark a welcome change in the administration's approach to handling border security issues away from an economically disastrous agenda of imposing passport requirements on our citizens who want to cross our northern border and towards a more sensible policy of effective border enforcement, one which maximizes security resources and safeguards the freedoms and options our citizens and our trading partners deserve.

But that would require that the majority had the will to actually spend the border security dollars and not just authorize them. It is, after all, easy to talk tough about securing borders, but we need action. We need a true commitment from this Congress to put more agents in the field. We seem to have an ongoing problem here with leadership when it comes to this issue where reality does not measure up to rhetoric. It is my hope that this time will be different.

The House leadership's decision to include in this rule two amendments of mine suggests there may be room for common ground on the critical border issue after all. Clearly, the most effective tool we have to protect our borders is knowledge. Those of us who represent border economies understand how important the unencumbered flow of commerce across the northern border is to continued economic growth and to prosperity. The NEXUS program, we hope, will reduce the long waits at the border and allow an unprecedented level of security. It will be smart management, and I look forward to the upcoming debate on the amendment.

But there are many others, I know, we would all like to debate here on the floor today; but of 89, only 25 were ruled in order, which is less than 30 percent. And as I have said previously, I do wish this had been an open rule because we need to spend the extra time and we need to allow our colleagues to consider more ideas on how to improve the homeland security. Is that not what democracy is about, debate and deliberation? Our framers thought so, and I think so, and I think most of my colleagues and most Americans think so.

One amendment we will not consider today, which I regret, would have established a much-needed railroad security plan for America, which we do not have. And, incredibly, an amendment which would have required all cargo transported on commercial and passenger airplanes be inspected for explosives was not allowed. How could we not allow a debate on a critical homeland security issue such as this?

My colleagues, the gentleman from Georgia (Mr. BARROW) and the gentleman from Massachusetts (Mr. MARKEY), offered an amendment which would have upgraded security requirements associated with transporting extremely hazardous materials. But, inexplicably, it too was blocked from consideration.

But just as we cannot afford to live in fear in this age of terrorism, we also cannot fear engaging in genuine debate in consideration of those matters which may be controversial for some, but which are clearly important for the safety of all Americans. The free flow of debate and democracy are a hallmark of our American values, which this House was designed to embody. They are the core values which separate us from those who seek to destroy us and our way of life. And here in the cradle of democracy, we diminish those most American of values at our own peril.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to say that it makes me so proud to hear the gentlewoman from New York talk with glowing admiration not only about how important this Homeland Security bill is but about the hard work that went into it and how it became a part of a better product.

Yesterday, the Committee on Rules had an opportunity, virtually all day, to hear testimony from Members across the aisle talk about ideas and thoughts and suggestions that they had that would make this a better bill. The chairman, the gentleman from California, not only listened to them but he worked with the chairman of the Committee on Homeland Security, the gentleman from California (Mr. COX), on perfecting this bill by adding in amendments.

As I mentioned earlier, Mr. Speaker, there are a large number of amendments that were added to this, perfecting the bill, perfecting the process, but more importantly giving an opportunity for Members of this body to make sure, from their own perspective, that Homeland Security became more effective by providing the information that was needed to address their local communities.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I rise in strong support of this rule and the underlying legislation.

We are about to embark on a very new experience for us. We all know that September 11 of 2001 changed our lives forever. We obviously have had to focus for the first time on our homeland security. We know that shortly

after September 11 the President of the United States stepped up to the plate and put into place this now Cabinet-level Department of Homeland Security, but it obviously took a period of time for us as an institution to put together the structure that would allow for adequate oversight.

At the beginning of this Congress, we established a new permanent standing Committee on Homeland Security, and we selected my extraordinarily able colleague, the gentleman from California (Mr. COX), to serve as chairman of the Committee on Homeland Security dealing with jurisdictions that fell within a wide range of other committees.

□ 1045

We had our committee chairmen and ranking members agree to come together on establishing this new Committee on Homeland Security. Obviously the jurisdiction is very far-reaching. It is jurisdiction which focuses on a lot of new things for us. The fact that when we refer to men and women in uniform on the front line, they are no longer just the men and women in our Armed Forces, they are now men and women who wear the uniforms of firefighters and law enforcement officers. We now have, because of the threat, a greater focus on border security. We have focused on ensuring that people who pose a terrorist threat to us are not able to get documents that have been easily fabricated in the past.

Frankly, I will say that we are continuing to work on that, and I urge my colleagues to join in cosponsoring H.R. 98, which will help us produce a counterfeit-proof Social Security card so we can diminish the flow of illegal immigration with the magnet of jobs that draws people across our southern border and instead allow our Border Patrol, which is increased in this authorizing legislation, to focus their attention on criminals and those who pose a terrorist threat to the United States of America.

Now what is it that we have done with this rule and the legislation? With the rule, I am very proud of having had, as the gentleman from Texas (Mr. SESSIONS) so ably said a fair rule, and I am proud of the work he has done. He was a member of the Select Committee on Homeland Security. He was unable to serve on the committee in this Congress because of the exclusivity of the Committee on Rules, but as the gentleman from California (Mr. COX) pointed out, he is serving as the Committee on Rules liaison focusing on these very important new homeland security issues.

One of the things that we can do, as we increase the Border Patrol, if we can pass H.R. 98, which will decrease by 98 percent the flow of illegal immigrants across our southern border, is letting the Border Patrol put their time and energy into trying to diminish the flow of criminals and those who pose a terrorist threat to us. I urge my colleagues to support that effort.

But I would note that the rule which has been put together allows for the consideration of 25 different amendments. We will be having a full 5 hours of debate on this issue, and I am pleased we made in order a Democratic substitute which is 221 pages long, a full substitute which frankly includes many of the amendments that have been proposed by both Republicans and Democrats. A number of those are included in the substitute.

I am also very proud of the fact that we were with the daughter, son-in-law and grandson of our distinguished ranking minority member, the gentlewoman from Rochester, New York (Ms. SLAUGHTER), and we were able to make in order two amendments which the gentlewoman has proposed to the committee.

I will say that of those 25 amendments, 13 of them have been offered by Democrats, made in order, 10 by Republicans, and two are bipartisan amendments with Democrats and Republicans coming together to deal with this issue.

So I will say, I believe we are moving into an extremely important area. We are going to address a wide range of concerns. Yes, there are other concerns that we hope can be addressed. But the mere passage of this legislation, the mere passage of this legislation and moving it to the President's desk will, I believe, help us address a lot of the concerns that some whose amendments were not made in order have been trying to address. I appreciate my colleagues' support in this effort.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, the Republican leadership in the Committee on Rules have done it again. Once again, they have bent over backwards for big business while putting the safety of the American public at risk.

Last night, on a party-line vote, the Republicans in the Committee on Rules refused to allow the House to consider two important amendments which would have improved safety on airplanes and would have notified the flying public about the safety of the airplanes they fly on. Currently, cargo that is transported on commercial airplanes is not inspected. Even though our passenger luggage is inspected by TSA, the cargo that is transported on those same planes is not inspected. The TSA has not implemented regulations as the law requires them to do to inspect the cargo on these planes, and now the Republican leadership has taken direct action to prevent these inspections.

Yesterday, the gentleman from Massachusetts (Mr. MARKEY) asked that the Committee on Rules make in order an amendment that would have required all cargo to be screened within 3 years. We all go through these metal detectors. We all have to take off our shoes and empty out our pockets. We do that because we want to be safe. Certainly we should screen all cargo.

Additionally, the gentleman from Connecticut (Mr. SHAYS) offered an amendment that would require TSA to notify passengers flying on a plane carrying uninspected cargo, the rationale being if we are not going to inspect the cargo the flying public should at least have the right to know that they are flying on a plane with uninspected cargo.

Mr. Speaker, I do not think that is too much to ask for, but the Republican leadership in the Committee on Rules decided not to make these amendments in order. They decided not to allow a debate. They decided not to allow a vote. I asked the distinguished chairman of the Committee on Rules why these amendments were not made in order, and all he could say is they decided not to. That is not an answer.

These amendments would make our skies safer. They are no-brainers, and yet the Republicans refuse to even allow us to debate and vote on these amendments. Instead of taking action to protect the American public, the Committee on Rules decided to protect the interest of the airlines and the cargo shippers.

Mr. Speaker, legislation on homeland security should result in a safer public. Unfortunately, the leadership is going in exactly the wrong direction when they denied these two amendments from being made in order.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

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

Mr. SOUDER. Mr. Speaker, I thank the gentleman from California (Chairman DREIER), the gentleman from Texas (Mr. SESSIONS), and the leadership for bringing forth what I believe is a fair rule. One way we are going to tell it is a fair rule is because people who do not like certain amendments being made in order from certain committees will object. This has been a very difficult process, and as the Committee on Rules along with the gentleman from California (Mr. COX), the chairman of our Permanent Select Committee on Homeland Security on which I also serve, this has been an incredibly difficult process from the time this committee has been organized.

The American people want to see action on homeland security. They do not want to hear about Congress' jurisdictional fights, how we believe we have this in this committee and this in this committee, and therefore we are immobilized in Congress. Yet at the same time there are practical reasons, and let me illustrate a few of my own concerns and how I approach this amendment process.

Mr. Speaker, I had four amendments. Two were made in order, and arguably the two most important were not. I

withdrew them in front of the Committee on Rules after talking with the gentleman from California (Mr. COX) and the other relevant committees. It shows the dilemma we face. One of them is to merge the Border Protection Agency and ICE inside Homeland Security. It is a system that is not working. This is not a commentary on the gentleman from Ohio (Mr. BOEHNER), who is doing the best he can with an organizational nightmare as we blend these things together.

But in fact, the challenge here of inland immigration is somewhat a different problem, as is deportation, from the border question as it relates to homeland security. So obviously the gentleman from Wisconsin (Mr. SENSENBRENNER) has deep concerns, and we have to figure out what is going to be under the Committee on Homeland Security and what is under the Committee on the Judiciary.

Similarly, a second amendment I had on intelligence that is trying to coordinate this proliferation of intelligence agencies, and we seem to create a new one every 6 months, both in Congress and in the administration, one or the other of us, and we are getting all this stovepiping and no coordination which is exactly opposite of what the 9/11 Commission proposed.

I had an amendment to propose consolidating inside Homeland Security. But guess what, the funding for that comes from several different committees. We could have probably worked this out. I want to continue to work on this. It has passed the House, but the question is what falls under the Committee on Homeland Security and what falls under defense and intelligence committees. These things are not easy to work out.

I believe this rule, by allowing 25 amendments, is clearly identifying the direction of the House. This is the primary Committee on Homeland Security. Where it clearly falls under Homeland Security, these amendments need to be in order and this committee needs the authority to address it.

I thank the gentleman from California (Mr. DREIER) and the leadership for letting this expand. Today is a skinny bill. There are other things we could have done, but it is important to set the precedent. Every year we are going to have an authorization bill on Homeland Security, like the other committees, and I am sure that will be spoken to multiple times today. This rule illustrates the difficulty.

Many Members are very frustrated that they did not get their amendments in order. I am frustrated that I did not get two of mine in order, but this is a complicated process. Today is the first step and the Committee on Rules has made an important first step in allowing 25 amendments, many over the objections of people who are objecting to jurisdiction, and keeping enough out that we can keep a coalition together to show the American people we want to move homeland security bills and this House will not be held up by jurisdictional fights over homeland security. Our goal is to protect the American people and not fight over our committee jurisdictions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this rule. As a ranking member of the Committee on Homeland Security, I strongly believe this base bill is deficient in a number of significant areas.

This 79-page bill fails to address a number of critical aspects of homeland security and does not deliver on the homeland security commitments made in the 9/11 Act. That is why I, like many of my colleagues in the House, felt compelled to submit amendments to the Committee on Rules for this bill. All told, there were 85 amendments offered, many of them from my colleagues on the Committee on Homeland Security.

The rule before us today will allow 24 amendments to be considered by the full House. That is simply wrong. The rule blocks a meaningful debate on important amendments like the one the gentlewoman from New York (Mrs. LOWEY) offered to close a major aviation security gap. It would have required airport workers to be physically screened before accessing planes in restricted areas of airports. The rule also denies consideration of an amendment offered by the gentlewoman from California, (Ms. LORETTA SANCHEZ), the ranking member of the Subcommittee on Economic Security and Infrastructure Protection. It would have closed a major port security gap by requiring validation inspectors for shippers.

This rule also prevents the gentlewoman from the District of Columbia (Ms. NORTON) from presenting her amendment to close gaps in the public transit and rail system. It also denies the House the opportunity to consider amendments offered by the gentleman from Massachusetts (Mr. MARKEY) to improve chemical plant security, develop policies for rerouting hazardous material, and grant DHS whistleblower protections.

Mr. Speaker, I could go on and on listing good amendments that were done so wrong by this rule. But instead, I will close by urging a no vote on this rule.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me this time. I am pleased to speak before the House and also for the record on the rule.

Mr. Speaker, I intend to support the rule, but I think it is very important that at this juncture in proceeding with this important Homeland Security authorization that some things are said and also some items for the record are noted.

The gentleman from New York (Mr. ISRAEL), who I have had the pleasure to work with from the other side of the aisle, crafted legislation which was incorporated into the intelligence reform bills. One of the titles of that bill that the President signed, dealing with the threat and the direction of Congress towards trying to deal with the problem of MANPADS, and that is shoulder-launch missiles, and the threat that they posed.

One of the things that we did was to try to move that project forward. Sometimes in homeland security we spend a lot of money and we do not get a great deal of results. I view, as chairman of the House Subcommittee on Aviation, one of the greatest threats that we face other than a suicide bomber or several of them getting on planes, which they can easily do in our flawed system today, I view the second greatest threat as shoulder-launch missiles.

□ 1100

With the conflict in the world, particularly in the Middle East, thousands of these shoulder-launched missiles have gone on the market. So we worked to, one, curtail the number of shoulder-launched missiles; two, encourage international treaties, develop ground-based systems, and this bill does something towards that.

We started a program several years ago when we saw this threat and we tried to do our best to move forward development of a commercial shoulder-launched missile. This bill unfortunately limits the amount of money that can be spent on moving that program forward. The gentleman from New York (Mr. ISRAEL) had an amendment that was not included here that would relieve that restriction. Yesterday we were wise in appropriating what the administration requested for funding the program, but this authorization is lacking. I would have preferred to have his amendment in here.

My purpose for being here on May 18, 2005 is to remind us that they missed in Kenya an Israeli plane in November 2002 with many passengers. They missed in Iraq in 2003 a DHL plane that also could have been taken down by shoulder-launched missiles.

Ladies and gentlemen of the House, we have been very fortunate so far and we cannot be remiss in making available the best technology to protect the traveling public. Not that we have to hang one of these on every commercial aircraft, but we will be remiss if we do not carry this program that has already started forward. If we miss a lick here, it will be much to our regret. I regret that the gentleman from New York's amendment was not included in this.

I will support this. I look forward to working with the gentleman from California (Mr. COX) and others as they take on the responsibility of protecting not only the homeland but the flying public.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank my friend from New York for yielding me the time. I also thank the Committee on Rules for making in order an amendment by myself and the gentleman from Florida (Mr. MICA) that will help perfect the Federal flight deck officer program. Many, many pilots are willing to volunteer to undergo rigorous training to certify themselves as Federal flight deck officers to become the last line of defense on our planes. There cannot be an air marshal on every plane. We still do not have secondary barriers in the planes. There are times when the flight deck door is open. There are ongoing threats. It is essential to improve that program and I am hopeful Members will look favorably upon that amendment later today.

With that said, I wish that the rule was more inclusive. My colleague, the ranking Democrat on the Subcommittee on Aviation, wanted to offer an amendment to mandate that the taxes we are collecting from the traveling public to pay for enhanced security at the airports; that is, to put in-line explosives detection systems at airports that do not have it across America to find explosives in checked bags, and possibly that same equipment could be used for cargo on those planes, was not allowed. It is unfortunate.

Most Americans are under the impression that all of their baggage is being screened. It is not being effectively screened. Some of it is being hand searched. Some of it is being trace searched. Some of it is being looked at. Some of it is being loaded on the plane. And some of it is going through very sophisticated in-line explosives detection systems, and we have the numbers. Where those systems exist, we can find threat objects, explosives a very, very high percentage of the time. Where those systems do not exist, there is a very disturbing lack of detection of test objects, threat objects, explosives.

We also have a huge and gaping hole at the passenger checkpoint. The last wakeup call we are probably ever going to get before the day when planes start falling out of the sky was in Russia where two terrorists, women, boarded planes with explosives, we do not know exactly whether they were in their carry-on bags or whether they were wearing suicide belts, but here in the United States of America we are doing nothing to find suicide belts or explosives in bags. We are still using 1980s technology at the checkpoints, technology that was thrown out of the United States Capitol more than a decade ago as inadequate to the threat, thrown out of the White House and other places. Yet aviation was attacked and aviation in Russia was attacked by what I think, as does the chairman of the committee, is the most likely future threat, which is explosives. We need to move ahead with more robust acquisition of that equipment in the near future and this bill does not mandate that.

I would congratulate the gentleman from California (Mr. COX) for the first ever authorization. It is a good first start. Remember, the Homeland Security Department started out of chaos. The President refused to create a homeland security Cabinet-level position or department until one day when an FBI agent was spilling her guts here in Washington, D.C., to a committee and Karl Rove wrote out the plan on the back of a napkin. Congress is just starting to make sense of what the Department of Homeland Security will be in the future.

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

We have had a number of our colleagues make observations, just as the gentleman from Oregon did, about the importance of not only the debate that takes place here in the House but also about our desire to make homeland security even better, more robust, more dynamic, aiming at the threat. We heard the gentleman from California (Mr. DREIER) talk very eloquently about the need for border control, for us to make sure that those people who might be terrorists or may be criminals entering this country.

I am sure we will hear a debate about cargo, cargo ships, thousands of containers that come to this country every day, the commerce of this country that is affected. We know that we talked yesterday in the Committee on Rules about the Canadian border and how the Canadian border needs the attention that they not only deserve but also with the flow of goods and services with the economies that are affected and products and services that are denied when the backlogs occur. Each of these has been a part of the arguments, the debates, the discussions that the gentleman from California (Mr. COX) has taken into account, has made sure that he has taken them to the Homeland Security Department, has spoken with the administration.

It just makes me very proud today to see our Members who are able to cogently come up with not only good answers and better decision-making processes but an abiding faith in what we are doing here today. I am proud that this debate, some 5 hours of debate that will take place today about this very important subject where Members of Congress are able to come down and really identify their specific suggestions that they have. I think this process works. I think the Committee on Rules was wise in what it did. I think the gentleman from California knew when he put together this rule with our leadership what it would look like. It is working today.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I have every intention of supporting today's homeland security authorization bill, but I think this bill could be dramatically improved, especially regarding the rail safety standards that apply to the shipment of extremely hazardous materials in local communities all across our Nation.

Three days after I took office this year, an early morning train carrying three rail cars filled with chlorine gas slammed into a parked rail car in the town of Graniteville, South Carolina. This produced a toxic cloud of chlorine and sodium hydroxide that forced 5,400 local residents to flee for their lives. In all, over 240 people were sickened by the gas and 10 people died because of the accident. The long-term effects of the leak are still unknown and the cleanup process continues to this day.

Mr. Speaker, what happened in Graniteville was not an isolated incident. Train accidents occur frequently in the United States. Rail cars carrying hazardous, flammable or explosive materials not only pose a major health risk to the communities they travel through, they are vulnerable security threats to our Nation's homeland security efforts. These are would-be terrorist targets begging for attention.

Since the Graniteville incident, I have met with a number of safety experts, and I guarantee that if any Members of this Congress were to sit down with these representatives they would be shocked to learn how many commonsense safeguards are out there that have not been implemented to address rail safety in this country. It is time to do more to improve rail security measures.

The current safeguards for the transportation of hazardous materials are nowhere near what they need to be. That is not just a health concern for our local communities, it is a security concern for our entire Nation.

The amendment that the gentleman from Massachusetts (Mr. MARKEY) and I offered yesterday helps close this gap in rail security measures. It provides hazardous material training for local first responders. It implements coordination and communication plans in the event of an accident or an attack, it develops new technology to make rail cars more resistant to punctures and, most importantly, it requires prenotification for local law enforcement whenever hazardous materials are being shipped through their communities.

These safety standards are long overdue and they deserve a vote on the House floor. Local leaders and the American people should not have to beg for sound safety measures and they should not have to wait for a debate on the issue.

Mr. SESSIONS. Mr. Speaker, we spoke earlier about how Members provided information back and forth not only to the gentleman from California (Mr. COX) and the Homeland Security Department but also about how we were able to have a Committee on Rules meeting yesterday with thoughtful ideas that were presented yesterday. Our next speaker was a part of

those thoughtful ideas. He not only sat through hours of testimony, quizzing Members about their questions and comments, things that would make things better, but also a few ideas himself.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, one of the most important responsibilities of this Congress is to defend and protect our Nation from external and internal terrorist threats. Some of the vital features of H.R. 1817, the Homeland Security Authorization Act, include funding to train and prepare first responders, improvements in cyber security, improvements in container security and enhanced border security. The Homeland Security Authorization Act will authorize funding for 2,000 new Border Patrol agents and it requires the Secretary of the Department of Homeland Security to develop a plan to coordinate and address duplication problems between the Customs and Border Protection agency and the Immigration Customs Enforcement agency.

Most importantly, I am pleased the rule we passed last night allows the gentleman from Georgia (Mr. NORWOOD) to have his amendment made in order. The Norwood amendment, among other provisions, clarifies that State and local law enforcement agencies have the right and the authority to enforce our immigration laws. Illegal immigration has become a threat to the security of many of our communities, even those not along our borders. The problem of illegal immigration has grown in part because local and State authorities have been uncertain of the jurisdiction regarding the apprehension, detention and deportation of illegal aliens. Sheriffs departments throughout my congressional district have been burdened with unnecessary expenses in detaining and housing illegal alien criminals prior to ICE involvement. The gentleman from Georgia (Mr. NORWOOD) has introduced his amendment to clarify the boundaries of jurisdiction regarding the enforcement of Federal immigration laws and provides for a training manual to aid in this effort. I believe that when an officer or deputy swears an oath to enforce the law, they should enforce all the laws, both State and Federal.

Mr. Speaker, immigration enforcement is critical for securing our Nation from terrorists. A porous border that allows terrorists and the enemies of this Nation to pass through undetected is unacceptable.

Mr. Speaker, I encourage passage of this rule, passage of the Norwood amendment, and passage of the underlying bill to strengthen our borders and protect our homeland from another attack.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, under cover of darkness and hidden from public view, the Republican-controlled Committee on Rules cooked up an unwise, unfair and ill-considered rule that shuts out dozens of Democratic amendments designed to close dangerous homeland security loopholes that put the American public at risk. For example, one of the amendments would have been one made by the gentleman from Connecticut (Mr. SHAYS) and myself which would have ensured that all cargo which is placed upon passenger planes in the United States was screened, so when the people in this gallery and people around the country step on planes they have to take off their shoes, their bags go through, they are screened, their bags are put in the belly of the plane, they are screened, but the cargo, the cargo, which is placed on the very same plane, is not screened.

The people on the plane are accompanying their bags. The people who are sending cargo are not on the plane. Al Qaeda is like water. It looks for the least resistance. That on a plane is where the least resistance is, in the cargo bay. We should not put Americans on planes where the cargo has not been screened knowing that al Qaeda continues to place civilian aircraft at the top of their terrorist target list.

It is wrong for the Republicans not to have a debate about this incredible, glaring vulnerability in passenger aircraft as hundreds of millions of Americans put their families on planes, especially as we are nearing the fourth anniversary of 9/11.

□ 1115

Another amendment, one dealing with the hundreds of thousands of shipments of extremely hazardous materials which go through the cities and towns of the United States every single year. This is a photograph of one of those hazardous material shipments within a couple of blocks of the Capitol. The Republicans would not put in order an amendment that would ensure that a rule-making by the Federal Government would be put in place in order to make sure that we would increase the security for the shipment of these hazardous materials through the cities and towns of the United States of America.

The gentleman from Georgia (Mr. BARROW) and I made a request to the Committee on Rules, let us debate it out here on the House floor, let us debate if we want to put any additional security protections on something, which, for all intents and purposes, has no security around it as it goes through the cities and towns of the United States. What a target for al Qaeda this would be.

But the Republicans say no debate on that. No debate on putting cargo into the bay of passenger planes that people fly every single day across America after they have taken off their shoes.

Mr. Speaker, this is wrong. The Republican Party is putting a gag on debate on the most important issues that face the security of America and attacks by al Qaeda on our country. And this issue, especially the issue of cargo on planes, is an absolute reprehensible neglect of the responsibility that Congress has for the flying American public.

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

Mr. Speaker, as the gentleman has noted, there will be 5 hours of debate today. There will be a Democrat substitute that will be included, some 200-plus pages that will allow not only full debate under these 5 hours but an opportunity for Members to come down, just as the gentleman from Massachusetts has done, to provide each Member with information about how important this bill is. And I am really proud of the time that we have. The Committee on Rules did a great job.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

I know we all have strong feelings about a lot of things, and sometimes someone could say we may not be right but we are never in doubt.

I want to say I am not in doubt on this issue, and I think I am right. I think it is an outrage that we do not inspect the cargo that is in the belly of a passenger aircraft. And I think it is an outrage, frankly, that the gentleman from Massachusetts' (Mr. MARKEY) amendment was not made in order so we could at least debate this. If one disagrees with the issue, that is one thing. But not to even allow for a debate and have the American people begin to understand the evolution that has taken place is unfortunate.

First, we started to inspect the carry-on luggage, and Americans thought we must be checking baggage on the belly of an aircraft. I did, until the gentleman from Washington (Mr. INSLEE) came to me and said we are not, do I want to sponsor an amendment. And we worked on an amendment, and we put and got in the bill a few years ago that there had to be deadlines for eventually inspecting all baggage that went in the belly of an aircraft. We had a deadline and we finally did it. So then I was thinking, well, we have done our job.

And the gentleman from Massachusetts (Mr. MARKEY) informs me, and I did not know it, that 22 percent of what is in the belly of an aircraft is cargo uninspected. Uninspected, and yet we are not willing to have a debate about this.

I think it is amazing, and I think it is wrong; and I think if the public knew it, they would be outraged. If the argument is that we do not have the technology, which we do, or we do not have enough of the technology, which is right, we allowed under the gentleman from Massachusetts' (Mr. MARKEY) amendment for a 3-year phase-in: 35 percent the first year, 65 in the second,

and then 100 percent in the third year. But if one still did not want to vote for that bill, we asked for another amendment to be made in order. The amendment was quite simple. It simply said to tell the passenger that the cargo on this plane has not been inspected. Even that amendment was not made in order.

Vote against it if one does not like it. But to not even allow a debate on the floor of the House about this issue?

I had a constituent who was on Pan Am 103. I got the call at 11 in the morning that said she thinks her daughter was on this aircraft but 30 kids were not, 30 people were not; and she hoped and prayed her daughter was one who could not get on it. I was at her home that evening about 11:30 that night when she got the call that said her daughter was on that plane. Admittedly, that was baggage. But if we now inspect the carry-on baggage and we inspect the baggage that is given at the ticket counter, what are terrorists going to do? They are just going to link it up with cargo and blow up a plane, a passenger plane, because the cargo has not been inspected.

I really believe we need this amendment. I salute both sides of the aisle for this bill. I salute the Committee on Rules for allowing for 25 amendments. But this is an amendment that should have been allowed.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to this restrictive rule which does not make in order several key amendments that could go a long way to enhancing our security efforts and addressing serious vulnerabilities. Case in point: the cargo security amendment offered by the gentleman from Massachusetts (Mr. MARKEY) and just spoken of by the gentleman from Connecticut (Mr. SHAYS).

That being said, today we will consider H.R. 1817, the first ever authorization measure for the Department of Homeland Security. I want to congratulate the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for bringing this important bill on the floor. I am proud to serve with them on the Committee on Homeland Security.

While it is not as far reaching as many of us had hoped, H.R. 1817 takes several critical steps in improving our Nation's security and preparedness. It authorizes sufficient funding to hire an additional 2,000 border patrol agents, which will help us meet the goal of 10,000 new agents over 5 years set forth in last year's intelligence reform bill. The measure also streamlines the background check system for those working in sensitive positions, creates an Assistant Secretary for Cybersecurity, and requires reform of the homeland security alert system so that more specific and targeted information can be provided to those who need it.

Finally, this bill will improve our intelligence and information capabilities by allowing new recruiting tools to attract the best-qualified analysts and mandating increased coordination in the dissemination of threat information to State, local, and private sector officials.

But this bill could have gone further. While I understand the jurisdictional constraints facing the gentleman from California (Chairman COX), I firmly believe that a DHS authorization bill should include critical components like port security, nuclear and chemical facility security, bioterrorism preparedness, communications interoperability, and rail and transit security. That is why I will be supporting a substitute amendment offered later today by the gentleman from Mississippi (Mr. THOMPSON), ranking member. This comprehensive amendment takes the right approach to homeland security needs that still face our country.

In closing, Mr. Speaker, let me again thank the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for their hard work on this legislation. It is not a perfect bill, but it is indeed an important and significant first step.

Mr. SESSIONS. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much thank the gentlewoman from New York for yielding me this time.

I must say I am grateful for small favors. This is, after all, the first authorization bill, almost 4 years after 9/11. But for that, the credit is due to the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for working collaboratively and, in doing so, establishing the jurisdiction of our committee and their jurisdiction over the Department. These are not small matters.

I am grateful as well that an amendment of mine on rail safety is in the bill. It is so basic that it does tell us a lot about my disappointment that this bill simply does not address rail safety even though that is where the people are. I do have report language in the bill, and the gentleman from California (Chairman COX) worked hard to make sure that he got as much in the bill as he could. However, he was under powerful constraints. We were noticed that no amendment that, in fact, called for authorization of a single dollar extra would be allowed in the bill. We have just heard about the problem four blocks from the Capitol with hazardous substances going by and the embarrassment that I think the Congress should feel that there has been no administrative action to do anything about it, and so there was a lawsuit actually won at the first level because of the danger posed when Congress does not act and local jurisdictions stepped forward.

We do have to get to work, and if Members do not believe me, remember last Wednesday in the rush from the Capitol. It was not a comedy of errors. Indeed, it was not very funny because these were not mistakes. What we had were huge questions opened up. Not everything was done that should have been done, but we do know what should have been done in the first place. Do we know why the plane came so close, why the President was not informed, why the District of Columbia was not informed even though there was a sergeant sitting right there in the Department of Homeland Security? Above all, why were we not in the basement of the Capitol rather than out on the streets when there was such a small plane involved and we were probably in greater danger on evacuation.

Lots of work. Let us begin to do it today.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my distinguished friend from New York for yielding me this time.

Mr. Speaker, I rise against this rule. I am very disappointed that my bipartisan amendment to restore funding for shoulder-fired missile protections was not permitted by this rule. The President of the United States requested $110 million for shoulder-fired missile research and development. The bill that we are going to vote on later today reduces it to $10 million.

Over the past several years, the gentleman from Florida (Mr. MICA), Republican chairman of the Aviation Subcommittee, and I have been working on this issue. But it is not just the gentleman from Florida (Mr. MICA) and I. It is the State Department which released a report saying that shoulder-fired missiles are the leading cause of loss of life in commercial aviation around the world.

They were used in December of 2003 against an Israeli jetliner in Kenya. They were used a year later against a DHL carrier. We now know that the Internet is teaching terrorists how to buy shoulder-fired missiles, set them up, and fire them. There are hundreds of thousands of these systems available around the world in the hands of 27 separate terrorist groups including al Qaeda. Everyone who has studied this issue, the President, the Department of Homeland Security, the State Department, the FBI, the CIA, the Aviation Subcommittee, the Committee on Appropriations, agrees that this threat needs to be addressed. And what does this bill do? Ignores the threat.

If a single shoulder-fired missile is fired at an American aircraft, Mr. Speaker, we are not going to be worried about $115 million in this bill. We

are going to be worried about the end of the aviation industry as we know it and devastating consequences to our economy and the American people will look at what we did on this floor today and ask why we turned our backs on the President's request, the State Department's urgency, the Committee on Appropriations, the Aviation Subcommittee, Republicans and Democrats, and, most importantly, the flying public.

Mr. Speaker, I oppose this rule. This was a commonsense bipartisan amendment. I will vote for the bill, but I am hopeful that we can work together on the basis of common sense and proceed to protect the American flying public.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me this time this morning.

Mr. Speaker, each Member of this House knows that when we go on vacation, one of the first things that we want to do is get a map so that we know where we are going and know the stops we are going to make and have a general idea of what is facing us on this vacation.

Mr. Speaker, several members of the Law Enforcement Caucus were discussing the issues of border security because we know we have been talking a lot about securing our borders.

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Well, yesterday, my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentleman from Texas (Mr. ORTIZ), and myself offered an amendment at the Committee on Rules that would have required the Department of Homeland Security to develop and begin to carry out a comprehensive, long-term border strategy to secure this Nation's borders. The amendment would have expanded what is already in place, called the ''American Shield Initiative,'' to ensure that every inch of the borders is monitored at all times, either through technology or resources. Unfortunately, the Committee on Rules voted against making this amendment in order on a straight party-line vote.

So when we talk about common sense, I stand here this morning wondering what in the world are we thinking when we do not want to have an amendment like this that gives us a long-term strategy for knowing what this Congress needs to do to reinforce and secure this Nation's border.

We all know that since 9/11, we have acknowledged that we need to increase the number of Border Patrol agents and immigration inspectors and, but Congress literally has been picking figures seemingly out of thin air as we go through wanting to secure the border. Instead, we should require a staffing assessment so we go through to determine what personnel resources we need to get the job done right. Our amendment would have required such an assessment for personnel, for technology, and for infrastructure needs.

Balancing this Nation's border security has to go hand-in-hand with having a strategy. We do not have that kind of strategy. This amendment would have given us this strategy. Regrettably, it was not made in order.

Mr. Speaker, I often wonder if common sense and Congress have anything in common.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be asking Members to oppose the previous question and, if it is defeated, I will amend the rules so that we can consider the amendment offered by the gentleman from Georgia (Mr. BARROW) and the gentleman from Massachusetts (Mr. MARKEY) rejected by the Committee on Rules last night.

Mr. Speaker, the Barrow-Markey amendment would direct the Department of Homeland Security to promulgate regulations upgrading the security associated with transporting extremely hazardous materials such as chlorine, which is toxic by inhalation, and those materials that are flammable or explosive.

Mr. Speaker, extremely hazardous materials are transported through virtually every community in the Nation. Several serious incidents have taken place that have clearly demonstrated the threat that exists whenever they are involved. I am disappointed that the Republican leadership failed to include this important amendment, an issue that needs to be addressed sooner rather than later. But, unfortunately, under the rule, unless we defeat the previous question, we will not be able to.

As always, I want to emphasize that a no vote on the previous question will not prevent us from considering the Homeland Security bill, but will allow Members to vote on the Barrow-Markey amendment. However, a yes vote will prevent us from doing so.

At this point, Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote, and request a no vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

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

Mr. Speaker, today we have had a great debate. A few people showed up and expressed some concern about what they had, and I would like to address that so that the Members are aware. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Georgia (Mr. BARROW) did come before the Committee on Rules. The Committee on Rules did not put it in the bill, but it is not in the Democrat substitute either, so the Democrat leadership chose not to include that in their substitute.

We also had some discussion about air cargo. For those Members who are interested, air cargo will be in the substitute; it will be in section 519. Republicans addressed the issue. We have doubled the number of air cargo inspectors that would be at the airports to make sure that we are looking at the cargo.

Today has been a good debate, an opportunity for Members to come forth and speak about the important things about this bill. The gentleman from California (Mr. COX) has our admiration. He has done a great job. The Committee on Rules I believe did a fair job. I would also at this time like to thank the White House and the liaisons that the White House provided to us, Brian Conklin for his great leadership, Chris Frech for his hard work with us, and certainly their superstar at the White House, Elan Elinjg, who took time to make sure that Members were updated, not only about the position of the administration, but about how they could work closely with Members of Congress.

So I think today has been another successful opportunity for us to begin the 5 hours of debate that will take place today where every Member will have an opportunity to come down and express themselves and where we will have a Democrat substitute that will be over 200 pages where they are able to express the things which they believe are best. Members of Congress will be able to vote and a decision can be made today. Mr. Speaker, I am proud of this process.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the structured rule only insofar as it restricts both the number of amendments made in order and the time allowed for debate of such a grave piece of legislation. The restrictive nature of H. Res. 283 will deprive the American people of debate over the aspects of the proposed legislation that affects them the most.

H.R. 1817 is the first authorization measure since the passage of the Homeland Security Act of 2003. Ruling only a quarter of the 80 amendments offered at the Committee on Rules meeting does not measure well with the action that the appropriators have taken to hold the Department of Homeland Security (DHS) accountable for its unfulfilled reporting requirements. The appropriators withheld over $700 million from DHS due to these requirements; therefore, our passage of the most comprehensive and representative measure possible would equate to having conducted ''due diligence'' on our part.

Just yesterday, we in the House passed the Appropriations Act for FY 2006, H.R. 2360, by a margin of 424–1. An open rule for debate on the authorization measure would have continued the spirit of true bi-partisanship. I joined my committee colleagues in considering this bill from its incipiency as it passed in both the Committees on Homeland Security on April 28, 2005 and Judiciary on May 12, 2005 unanimously by voice vote. Today, the Committee of the Whole will make history by passing its first Homeland Security Authorization

measure, and I support an expedient but prudent completion of this endeavor.

During the 13-hour Homeland Security Committee markup session that ended at 11:15 p.m., I was able to secure sincere commitments from the Majority Leadership to work with me for inclusion of some of my major initiatives: funding and more clearly defining the Citizen Corps and the Citizen Corps Councils—which will include consideration of a stand-alone bill that I will introduce shortly; and increasing capacity for Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Institutions in Homeland Security procurement and in employment with the Department of Homeland Security. In addition, I was fortunate to have had my amendment, co-sponsored by the Gentlelady from California, Ms. LOFGREN, that seeks to authorize the funding of programs for the education of minorities in the areas of cyberscience, research, and development to close the gap in achievement in those areas and to make America better equipped to fight terrorism overall. Furthermore, I achieved an agreement from the Majority Committee Leadership to collaborate on addressing the issue of border violence, an initiative that the distinguished Chairman of the Appropriations Subcommittee on Homeland Security showed his commitment to addressing, as evidenced by his support for an amendment that I offered yesterday during the House's consideration of the appropriations measure, H.R. 2360. Not only do I hope to see this language survive the deliberations of the Conferees, but I hope to see follow-through by the Homeland Security Committee with the bi-partisan letter and with consideration of the amendment that I plan to offer during our consideration of H.R. 1817.

Mr. Speaker, what the House has done this week and will do today will establish the breadth and efficacy of the entire Department of Homeland Security. I hope that my colleagues will keep that in mind as we work to debate the amendments that have been made in order.

Mrs. MALONEY. Mr. Speaker, I rise to ask my colleagues to defeat the previous question so we can change this restrictive rule.

Yesterday I appeared before the Rules Committee to offer three amendments. All were blocked by the Rules Committee from even the opportunity to be debated on the floor. The Rules Committee also blocked an amendment by Congressmen MARKEY and SHAYS that would have required 100 percent check of cargo on commercial airlines. This restrictive rule also blocked 60 other amendments, forty-seven of which were Democratic amendments.

It is amazing to me that the majority would deny us even the opportunity to debate what we feel is important to the American people. What the rules committee did last night was deny us the opportunity to address the health needs of the heroes of 9/11.

One of my amendments was modeled after the Remember 9/11 Health Act. This is a bill that would provide medical monitoring and treatment for individuals who are sick or injured as a direct result of the attacks of 9/11.

Right now we have a 6,000-person waiting list just to be a part of this medical screening. For the 12,000 who have been screened, about 50 percent of them are still sick as a direct result of 9/11. Despite clear evidence that we have thousands sick, we have yet to provide a single dollar for treatment. This is unethical.

These are men and women who were there for us on 9/11 and now we have turned a cold shoulder to them in their time of need. We have precedent for caring for volunteers who get sick. When a volunteer firefighter becomes sick or injured while fighting a forest fire, he or she immediately receives all the Federal health monitoring and treatment he or she needs. If we can do it for volunteers for one disaster, we need to do it for volunteers from 9/11.

Unfortunately the Rules Committee did not see it this way, because they would not even give us the opportunity to debate this on the floor today.

The next amendment I wanted to offer was written by a Republican, Senator VOINOVICH of Ohio, and passed the Senate by unanimous consent. It is modeled after the Disaster Area Health and Environmental Monitoring Act, H.R. 5329 in the 108th Congress.

The amendment realizes that there are times when the health of first responders is at risk, such as during the response to 9/11, and with a Presidential declaration, would establish environmental and health monitoring. This amendment would send a message to future responders that if you risk your life in responding to a disaster, we will be there for you if you get sick. This amendment would not have cost us anything. It would just be good planning.

The final amendment I wanted to offer would give teeth to the Civil Liberty Board established by the Intelligence Reform Act. This amendment is modeled after H.R. 1310, the Protection of Civil Liberties Act. This Amendment would create the board as an independent entity and provide it with subpoena power, among other things.

The only way we will have a robust protection of our civil liberties is to have a robust civil liberties board. All we have right now is a weak board that does not even have a single member appointed.

By not allowing these and many other amendments, we are restricting the ability of this House to do the business of the American people. We have thousands who are sick from 9/11 who need our help, but this Rule will not let their needs be heard.

Mr. MORAN of Virginia. Mr. Speaker, I congratulate the Chairman of the Homeland Security Committee for his success last week on legislation to improve the first responder grant program and again today for bringing bipartisan consensus legislation to the House floor.

He has crafted a good bill that deserves our support. As good as the bill is, however, I must rise in opposition to the rule. I am troubled that my colleagues Mr. BARROW and Mr. MARKEY and Mr. OBERSTAR were blocked from offering their amendments concerning rail safety to this important legislation.

If there is one lesson we should learn from the events of 9/11, it is that our enemies are fighting an unconventional war against us.

With a few zealots and even fewer resources, terrorists can manipulate our own resources and use them against us. On 9/11 aviation fuel and four commercial aircraft were turned into missiles carrying incendiary explosives.

Hardening the cockpit door, establishing new protocols to screen passengers, and a number of other measures are a prudent response to deny terrorists the use of commercial aircraft as a weapon.

I am afraid, however, that we are not being as proactive as we could or should be at preventing other commercial resources from being used as weapons that could be turned against us.

Representatives BARROW, MARKEY, and OBERSTAR have crafted thoughtful responses to a threat that has not been fully addressed: Rail security and the transportation of hazardous cargo on our rail system. It would be a national tragedy if we had to wait until another attack similar to Madrid to occur in the United States in order to commit the resources necessary to properly secure our rail and transit systems.

The measures needed to address transit security differ from aviation, but this should not be used as a justification for not providing an infusion of additional funds to address already identified high priority needs. The focus with aviation is strictly on deterrence: stopping an event from happening.

For transit and rail, deterrence is only one part of the strategy, additional resources are also needed to mitigate the impact of a potential terrorist attack and hasten the recovery after an attack. Allocating additional resources towards improving response and recovery times can save lives and lessen the economic consequences of an attack.

With the Madrid bombing, the bombs went off on multiple trains over a 10-15 minute period. Enhanced detection capabilities, communications equipment and redundancy in critical operating control functions could allow for a quicker shutdown and evacuation of a passenger rail transit system exposed to multiple attacks thereby significantly reducing the causality rate.

Transit and rail systems cannot afford to be shut down for months or even weeks following a biological attack. The economic consequences to a major metropolitan region would be devastating, not to mention the impact on the Federal Government if an attack occurred in Washington, DC. Yet, no funds have been allocated to perform a comprehensive decontamination demonstration project in a transit or rail environment.

Mr. Chairman, a 30-ton chlorine tank rail car, if ruptured, could kill thousands of people unfortunate enough to be within a few miles downwind of the attack. The railroad industry has a good safety record, but that ignores the fact that those safeguards do not assume someone is purposely trying to rupture these rail cars.

Local emergency responders in urban areas with potential targets of key infrastructure and national icons understand this threat, but are limited on what they can do to prevent an attack. Should they patrol hundreds of miles of track and rail yards or take some measures under some circumstances to reroute hazardous traffic around what we know are high probability targets?

Today, there still is no clear understanding of what hazardous material security plans have been developed. If they exist, they are not being shared or discussed with the very people, local officials and emergency response planners, who have the best information on the local geography, vulnerabilities and potential set of targets. Today, local officials are being told by the railroads and the Department of Homeland Security to ''trust us.'' I get

nervous when someone I don't know tells me to "trust" them.

The laws on the books today did not envision hazardous cargo as a weapon of mass destruction, and under current law interstate commerce trumps local ordinances to suspend or redirect hazardous cargo.

This presumption is now being tested in the courts. Congress should not defer to the courts on this important and weighty issue. I think we can craft a responsible resolution, but denying an important floor debate on this issue is wrong.

I urge my colleagues to defeat this rule.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the rule on H.R. 1817, the Homeland Security Authorization Act for FY2006. Republicans on the Rules Committee blocked the consideration of several amendments offered by me and my colleagues to this bill. This body should have the right to discuss and to consider each amendment.

One of the amendments blocked was the amendment I offered which would put passenger security fees into two funds that will guarantee that TSA will spend the authorized amounts of $650 million a year and $250 million for the installation of inline baggage screening systems and passenger checkpoint explosive detection, respectively.

We are currently collecting over $1.5 billion a year from the passenger security fee for aviation security services. Given that these security investments are financed by the existing passenger security fee, the Congressional Budget Office has determined that the increased investment does not increase the size of the deficit.

In April, the Department of Homeland Security Inspector General (DHSIG) and the Government Accountability Office (GAO) both released reports that indicate that our airport screening system still needs improvement. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need. Without a significant investment and commitment by Congress and this Administration to upgrade our technology, our screening system will continue to fail. We must and can do better.

Last year, the 9/11 Commission specifically recommended that the TSA and the Congress improve the ability of screenings checkpoints to detect explosives on passengers. The Intelligence Reform and Terrorism Prevention Act (P.L. 108–458) authorized $250 million for the research and deployment of advanced passenger screening technologies, such as trace portals and backscatter x-ray systems.

To date, only about $30 million has been appropriated specifically for the passenger screener technologies. The recent DHS IG report clearly stated that the "lack of improvements since our last audit indicates that significant improvement in performance may not be possible without greater use of technology." Further, the TSA concurred with the 9/11 Commission recommendation that we must "expedite the installation of advanced (in-line) baggage screening equipment."

In addition, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued eight LOIs to cover the costs of installing systems at 9 airports for a total cost to the Federal Government of $957.1 million over 4 years. The GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received LOI funding could save the Federal Government $1.3 billion over 7 years.

TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over one year. In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports.

Yet, the TSA has stated that it currently does not have sufficient resources in its budget to fund any additional LOIs. While $650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

We know what needs to be done to improve screener performance, and we must take action now. We must demonstrate leadership and deploy technologies that will keep the American public secure. Mr. Chairman, I ask my colleagues to vote no on the rule so we can work to deploy technologies that will help our screeners do their jobs and keep the American traveling public safe.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION STATEMENT ON H. RES. 283—RULE FOR H.R. 1817, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT OF FISCAL YEAR 2006

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 1 in the report of the Committee on Rules if offered by Representative Barrow of Georgia or Representative Markey of Massachusetts or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 1817 OFFERED BY MR. BARROW OF GEORGIA AND MR. MARKEY OF MASSACHUSETTS

At the end of title V of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 509. EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY.

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal, State, and local government entities, security experts, representatives of the hazardous materials shipping industry and labor unions representing persons who work in the hazardous materials shipping industry, and other interested persons, shall issue, after notice and opportunity for public comment, regulations concerning the shipping of extremely hazardous materials.

(2) PURPOSES OF REGULATIONS.—The regulations shall be consistent, to the extent the Secretary determines appropriate, with and not duplicative of other Federal regulations and international agreements relating to the shipping of extremely hazardous materials and shall require—

(A) physical security measures for such shipments, such as the use of passive secondary containment of tanker valves and other technologies to ensure the physical integrity of pressurized tank cars used to transport extremely hazardous materials, additional security force personnel, and surveillance technologies and barriers;

(B) concerned Federal, State, and local law enforcement authorities (including, if applicable, transit, railroad, or port authority police agencies) to be informed before an extremely hazardous material is transported within, through, or near an area of concern;

(C) the creation of terrorism response plans for shipments of extremely hazardous materials;

(D) the use of currently available technologies and systems to ensure effective and immediate communication between transporters of extremely hazardous materials and all entities charged with responding to acts of terrorism involving shipments of extremely hazardous materials;

(E) comprehensive and appropriate training in the area of extremely hazardous materials transportation security for all individuals who transport, load, unload, or are otherwise involved in the shipping of extremely hazardous materials or who would respond to an accident or incident involving a shipment of extremely hazardous material or would have to repair transportation equipment and facilities in the event of such an accident or incident; and

(F) for the transportation of extremely hazardous materials through or near an area of concern, the Secretary to determine whether or not the transportation could be made by one or more alternate routes at lower security risk and, if the Secretary determines the transportation could be made by an alternate route, the use of such alternate route, except when the origination or destination of the shipment is located within the area of concern.

(3) JUDICIAL RELIEF.—A person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of hazardous materials and violates or fails to comply with a regulation issued by the Secretary under this subsection may be subject, in a civil action brought in United States district court, for each shipment with respect to which the violation occurs—

(A) to an order for injunctive relief; or

(B) to a civil penalty of not more than $100,000.

(4) ADMINISTRATIVE PENALTIES.—

(A) PENALTY ORDERS.—The Secretary may issue an order imposing an administrative penalty of not more than $1,000,000 for failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of hazardous materials to comply with a regulation issued by the Secretary under this subsection.

(B) NOTICE AND HEARING.—Before issuing an order described in subparagraph (A), the Secretary shall provide to the person against whom the penalty is to be assessed—

(i) written notice of the proposed order; and

(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed order.

(C) PROCEDURES.—The Secretary may issue regulations establishing procedures for administrative hearings and appropriate review of penalties issued under this paragraph, including necessary deadlines.

(b) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—No person involved in the shipping of extremely hazardous materials may be discharged, demoted, suspended, threatened, harassed, or in any other manner

discriminated against because of any lawful act done by the person—

(A) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the person reasonably believes constitutes a violation of any law, rule or regulation related to the security of shipments of extremely hazardous materials, or any other threat to the security of shipments of extremely hazardous materials, when the information or assistance is provided to or the investigation is conducted by—

(i) a Federal regulatory or law enforcement agency;

(ii) any Member of Congress or any committee of Congress; or

(iii) a person with supervisory authority over the person (or such other person who has the authority to investigate, discover, or terminate misconduct);

(B) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule or regulation related to the security of shipments of extremely hazardous materials or any other threat to the security of shipments of extremely hazardous materials; or

(C) to refuse to violate or assist in the violation of any law, rule, or regulation related to the security of shipments of extremely hazardous materials.

(2) ENFORCEMENT ACTION.—

(A) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of paragraph (1) may seek relief under paragraph (3) by—

(i) filing a complaint with the Secretary of Labor; or

(ii) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(B) PROCEDURE.—

(i) IN GENERAL.—An action under subparagraph (A)(i) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(ii) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(iii) BURDENS OF PROOF.—An action brought under subparagraph (A)(ii) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(iv) STATUTE OF LIMITATIONS.—An action under subparagraph (A) shall be commenced not later than 90 days after the date on which the violation occurs.

(3) REMEDIES.—

(A) IN GENERAL.—A person prevailing in any action under paragraph (2)(A) shall be entitled to all relief necessary to make the person whole.

(B) COMPENSATORY DAMAGES.—Relief for any action under subparagraph (A) shall include—

(i) reinstatement with the same seniority status that the person would have had, but for the discrimination;

(ii) the amount of any back pay, with interest; and

(iii) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(4) RIGHTS RETAINED BY PERSON.—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any person under any Federal or State law, or under any collective bargaining agreement.

(c) REPORT ON EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall transmit to Congress a report on the security of, and risk of a terrorist attack on, shipments of extremely hazardous materials.

(2) CONTENT.—The report under paragraph (1) shall include—

(A) information specifying—

(i) the Federal and State agencies that are responsible for the regulation of the transportation of extremely hazardous materials; and

(ii) the particular authorities and responsibilities of the heads of each such agency; and

(B) an assessment of the vulnerability of the infrastructure associated with the transportation of extremely hazardous materials.

(3) FORM.—The report under paragraph (1) shall be in unclassified form but may contain a classified annex.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term ''extremely hazardous material'' means—

(A) a material that is toxic by inhalation;

(B) a material that is extremely flammable;

(C) a material that is highly explosive; and

(D) any other material designated by the Secretary to be extremely hazardous.

(2) AREA OF CONCERN.—The term ''area of concern'' means an area that the Secretary determines could pose a particular interest to terrorists.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 181]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich

Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Fitzpatrick (PA)
Foley
Hyde
Larson (CT)
Lewis (GA)
Markey
Millender-McDonald
Tancredo

□ 1156

Messrs. MCNULTY, BOUCHER, CHANDLER, FATTAH, and Ms. DEGETTE changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 284, noes 124, not voting 25, as follows:

[Roll No. 182]

AYES—284

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—124

Ackerman
Andrews
Baird
Baldwin
Barrow
Bean
Berkley
Bishop (GA)
Boswell
Brown, Corrine
Butterfield
Capps
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Lee
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Salazar
Sanchez, Loretta
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—25

Becerra
Berman
Boucher
Buyer
Cardoza
Case
Eshoo
Foley
Hyde
Jefferson
Knollenberg
Larson (CT)
Lewis (GA)
Marchant
McCollum (MN)
McKeon
Millender-McDonald
Miller, George
Myrick
Napolitano
Pascrell
Sanders
Stark
Tancredo
Turner

□ 1228

Mrs. MALONEY and Mr. CUMMINGS changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PASCRELL. Mr. Speaker, on rollcall No. 182, had I been present, I would have voted "no."

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to section 4(a) of the Democracy Assistance Commission Resolution (House Resolution 135, 109th Congress), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. DREIER, California, Chairman;
Mr. KOLBE, Arizona;
Mr. GILLMOR, Ohio;
Mr. KIRK, Illinois;
Mr. BOOZMAN, Arkansas;
Mr. WILSON, South Carolina;
Mr. COLE, Oklahoma;
Mrs. MILLER, Michigan;
Mr. FORTENBERRY, Nebraska.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES
Washington, DC, May 17, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(a) of the House Democracy Assistance Commission Resolution (House Resolution 135, 109th Congress), I hereby appoint the following members to serve on the House Democracy Assistance Commission.

Mr. David Price, NC (Ranking Member).
Mr. Silvestre Reyes, TX.
Ms. Lois Capps, CA.
Mr. Rush Holt, NJ.
Mr. Adam Schiff, CA.
Mr. Artur Davis, AL.
Ms. Allyson Schwartz, PA.

Best regards,

NANCY PELOSI,
Democratic Leader.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1817.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 283 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1817.

□ 1231

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

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

Mr. COX. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, we begin today a historic debate on the floor of this House that commences the annual authorization process for the Department of Homeland Security. This annual process is designed to recognize that the function of the Department of Homeland Security is the essence of our government's national security mission, protecting the American people and our territory.

This is the same national security mission ultimately that is performed in different ways by the Pentagon and by the intelligence community. Both the Pentagon and the intelligence community for this same reason undergo an annual authorization process in the Congress. That is a collaboration between the executive and the legislative branches that is necessary to ensure that we fulfill this most vital function.

We must remember that the Department of Homeland Security in the executive branch and the Committees on Homeland Security in this House and in the other body were formed because the congressional leadership and the President recognized that neither branch of government as then constituted was properly organized to deal with the 21st century threat of terrorism directed against Americans on our own territory. On an ongoing basis, the Congress and the executive need to focus together on this vital process and the annual authorization is the means for doing so.

The Department of Homeland Security authorization bill that is before the House today reflects an impressive bipartisan effort. That is due, in large part, to the strong and able leadership of the gentleman from Mississippi (Mr. THOMPSON). The Members on both sides of the aisle have never forgotten for a single day since September 11, 2001, that the security of the American people must be placed above politics.

So as we meet today to consider the Department of Homeland Security authorization bill for fiscal year 2006, we find that we have forged agreement on many important challenges facing our country and the Department, and on ways to begin to address them. In establishing the procedures for bringing this annual authorization bill to the floor, we have been guided by the longstanding practices of the Committee on Armed Services and the Permanent Select Committee on Intelligence. Those committees have always brought to the floor bills that live within the spending boundaries established in the House-passed budget. H.R. 1817, the Department of Homeland Security authorization bill also does exactly that.

To have credibility, a national security authorization bill must set the executive's priorities within the framework of its actual budgetary resources. It does little good for us to pretend that the Department of Homeland Security has infinite budget resources, and then give it mandates that it cannot carry out. So this bill funds priorities within the overall DHS budget, not on top of it.

Within that constraint, we have been able to accomplish a great deal more for the security of the American people and for this country. We fully fund the 2,000 new Border Patrol agents called for in the Intelligence Reform Act passed last year, and we increase the Department of Homeland Security's funding by nearly one-quarter of a billion dollars for this purpose.

The bill authorizes $40 million so that immigration and customs enforcement can expedite illegal alien removal. It provides $5 million in new funding to implement the Safety Act so we can more quickly deploy antiterrorism technologies to protect the American people from terrorism. It adds $20 million for interoperable communications and technical assistance for our first responders. It increases funding for cybersecurity research and development and for cybersecurity education and training.

Within the Department of Homeland Security budget that this House has already approved, we have authorized $40 million in additional funds to support the training of State and local law enforcement personnel so they can help enforce Federal immigration laws. This provision is contained in a separate amendment that I will offer today with the gentleman from Wisconsin (Mr. SENSENBRENNER) of the Committee on the Judiciary.

On these and all other funding decisions in the bill, we have had to make hard choices and set priorities. That is our responsibility. As a result, we have not funded every initiative to protect against every conceivable means by which terrorists might mount an attack. But what we have done is based our funding decisions on the best intelligence available, on terrorist capabilities and intentions, and on the actual risk of terrorist attack. The bill also advances our prime objective of preventing terrorism by improving our intelligence capability within the Department of Homeland Security.

Prevention of terrorism requires that information sharing about terrorist threats be seamless, that it be timely, and that that communication be secure. That is exactly what this bill accomplishes, both within the Department of Homeland Security and across the Federal Government and with our State, local and private sector partners. It provides the Department of Homeland Security with new tools to build a robust intelligence capability. It strengthens the partnership with these other stakeholders.

Those partnerships are essential in sustaining the counterterrorism mission into the foreseeable future, and the bill will help the Department of Homeland Security to streamline and integrate the multitude of different background checks and security screenings that are conducted for travelers, workers and other critical personnel who are required to undergo security checks by the Department.

The bill revises the color-coded homeland security advisory system to make sure that threat warnings are specific and informative, and wherever possible, that these warnings be targeted. By targeting these warnings to the areas of the country or sectors of the economy that are threatened, we can be sure that we are warning the right people and not needlessly scaring the wrong people. We also need to make sure that the Federal Government gives clear guidance and speaks with one voice when it issues such warnings. This bill will ensure this happens.

This authorization bill is shorter this year than it will ever be in future years. That is because, first, the Department itself is only 2 years old, and Congress has just recently written the entire legislative charter for the Department.

Second, we have a new homeland security Secretary who is just concluding his top to bottom 90-day review of the entire department. We want to give Secretary Chertoff the opportunity to draw his own road map, both organizationally and programatically, of where this Department should go.

We will proceed on additional authorizing legislation later this year once we have had the opportunity through hearings and oversight to evaluate the Secretary's proposals.

Mr. Chairman, I conclude by thanking the Members on both sides of the aisle and the House leadership on both sides of the aisle for their foresight in creating the Committee on Homeland Security within the House of Representatives and for allowing us to initiate this annual authorization process on the floor. This is a significant milestone on our long journey toward keeping America safe from terrorism.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentleman from California (Mr. COX) for his tireless efforts to see that this day came to be. He worked continuously to create a permanent Committee on Homeland Security and put in the right track to producing the bill.

It took 13 hours to mark up this bill in committee, and I have to say that he never lost his patience or his good character, nor his sense of humor; but clearly, it was a bipartisan effort, and for that I want to thank the gentleman from California (Mr. COX).

This bill has many good provisions in it. It rejects the section of the President's shortsighted budget that sought to hire only 210 new Border Patrol agents this year. Instead, it provided for the 2,000 border agents that everybody else agreed that we needed.

It also, by creating an Assistant Secretary of Cybersecurity at DHS, finally recognizes the threat posed by cyber attacks. The gentlewoman from California (Ms. ZOE LOFGREN) and other Democrats on this committee have sought the creation of this position for a very long time.

The evaluation of the color-coded terrorist system is also welcomed. The system has provided more material for late-night comedians than effective information on threats on the public.

Also, I am glad that this bill requires the Department to explain how it is working to protect agriculture and the Nation's food supply from terrorist attacks.

That said, I wish this bill would have been more comprehensive. I am glad that, as the chairman mentioned, it is small only because we are a new committee, but there are some things that we overlooked. We did not mention airports or chemical plants in this legislation. I just hold up for the chairman's view and the view of the public the defense authorization bill which is sizable, and I look forward to, in the next authorization effort next year, to having a bill that is comprehensive.

The present authorization bill is very, very short on content, but nonetheless it is a start. There is no comparison between the two, so I am convinced that at the end of the day Members will recognize we have a long way to go and there can be no effort or wasting time. We must do what it takes to make America secure. I hope that we work closely to close the security gaps left by this bill.

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

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to first of all add my thanks to both the chairman and the ranking member of this committee for the bipartisan way in which they have approached this issue.

I was not a member of this House of Representatives on 9/11. I saw, as did many Americans, an attack that many of us had never anticipated. It only brought memories of what my parents' generation must have felt on the day that we had the attack at Pearl Harbor.

The question before us really now is what is the proper response and what will that response be by our legislative branch. There has been established a Department of Homeland Security. It is an amalgamation of many departments and agencies that previously existed. It has been an effort to try and bring a single focus to a major issue, our response to terrorism. It was a well-done job under the circumstances.

Yet now we are here some 3-plus years after 9/11, and we recognize that everything we did was not exactly perfect. We recognize there are changes that must be made. This authorization bill is the first chance that our committee has to present to the House our effort to try and get our arms around not only this problem but the response to this problem, and that is the Department of Homeland Security.

While there are other elements of the executive branch which deal with this, the primary responsibility is with the Department of Homeland Security, and we have attempted on a bipartisan basis to look at the issues, to do the proper oversight, to try and make some recommendations, but none should be deluded to the fact that we somehow believe this is the total response to the problem.

□ 1245

This is our first effort. This is the beginning of a job that is going to be ongoing. Much like the Defense Department was organized in the late 1940s, early 1950s, and while it took time for Congress to properly get its arms around that, we similarly must do that now.

Time is not on our side. The terrorists are not waiting until we get organized, so we must make sure that we do this in the best fashion possible, in a timely fashion.

I would say that I am very proud of the fact that the bill that has been brought to floor is a bill that got the unanimous support of the members of this committee, both Democrat and Republican. It is a worthy bill. It is a worthy effort at our direction to the Department of Homeland Security.

There will be things that we will do in the future. One of the things mentioned by the ranking member that I believe is a real step forward is establishing the position of Assistant Secretary for cybersecurity. There is a need to have a concentration on that issue. There is a need to have that at a heightened level. There is a need for us to understand the embedded nature of cyberoperations in our society, both public and private. I believe that we have on a bipartisan basis reached that conclusion.

I thank both the ranking member and the chairman for the work they have done. I would ask that the Members support this bill as presented by this committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking Democrat on the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time.

I rise today in strong support of H.R. 1817, the Department of Homeland Security Authorization Act for Fiscal Year 2006. This is our first authorizing bill for the now 2-year-old Department of Homeland Security, and it represents hard work by all the members of the Committee on Homeland Security. I would like to congratulate the gentleman from California (Mr. COX), the gentleman from Mississippi (Mr. THOMPSON), and all the members of the committee for their hard work in crafting this bill and bringing it to the floor today.

While I would have liked to have seen a more comprehensive bill such as the substitute that will be offered by the gentleman from Mississippi which would have addressed aviation security, port security, interoperability for our first responders and a host of other important areas not addressed in H.R. 1817, I recognize that this bill marks significant progress for the Congress, and I urge its adoption.

H.R. 1817 will authorize specific amounts for certain programs within the Committee on Homeland Security's jurisdiction, such as fully funding the 2,000 additional border patrol agents recommended by the 9/11 Commission and authorized under the Intelligence Reform and Terrorism Prevention Act of 2004.

I was gratified that during the markup of the bill in the Committee on

Homeland Security that important amendments I offered concerning the national infrastructure protection plan and cargo container security were adopted, but I am also disappointed that an amendment that I intended to offer on the floor today was not accepted by the Committee on Rules. It is the Customs-Trade Partnership Against Terrorism amendment. C-TPAT, as it is known, is a program that offers companies reduced inspections of their cargo, and in return the companies must submit and adhere to a security plan.

There are currently 5,000 companies participating in this program that receive the benefit of reduced inspections, yet only 600 of these have had an on-site validation to ensure compliance with the security requirements. C-TPAT in its current form represents a dangerous security gap that must be closed, and I hope that Congress and DHS will address this problem before it is too late.

I urge my colleagues to support the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER), a member of the committee.

Mr. LINDER. Mr. Chairman, I thank my friend for yielding me this time. I congratulate the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) for working so well together in the interest of national security to bring this measure to the floor.

Mr. Chairman, I rise in strong support of H.R. 1817. History has provided us with many examples of leaders who have taken the steps to ensure the safety and security of the American people. Today this House takes its place in that historical record through consideration of an unprecedented measure that authorizes the activities of the new Department of Homeland Security.

In addition to authorizing over $34 billion in funding for DHS operations in fiscal year 2006, this legislation calls for DHS to accelerate its efforts to identify and deploy homeland security technologies and creates mechanisms by which State and local leaders can effectively communicate with Federal homeland security officials.

As the chairman of the Subcommittee on the Prevention of Nuclear and Biological Attack, I have been tasked with overseeing the Department's efforts to prevent terrorist attacks on the United States using nuclear and biological weapons. I cannot think of a more devastating event both in terms of loss of life and economic fallout than an attack on this country involving a weapon of mass destruction.

H.R. 1817 refocuses the mission of DHS to follow a similar path. First, this legislation authorizes full funding of 2,000 new border agents. It is no secret that much of our Nation's 7,000 miles of border with both Canada and Mexico are vulnerable to illegal crossings. The addition of these agents will strengthen our Nation's ability to protect those borders and to prevent terrorists from smuggling nuclear or biological material into our country.

Prevention, however, should not be limited to our borders, and H.R. 1817 authorizes approximately $200 million in funding for a new nuclear detection office which will play a substantial role in coordinating the overseas nonproliferation efforts of the Federal Government. Moreover, H.R. 1817 provides nearly $140 million in funding for the Container Security Initiative and requires DHS to conduct a risk assessment of each foreign seaport that is designated as a CSI port. While we should do everything possible to ensure that the free flow of commerce between countries is not inhibited, we cannot ignore the possibility that terrorists may use foreign seaports to transport weapons of mass destruction into our country.

We cannot simply wait at home for terrorists to come to us. These efforts must be conducted in areas of the world that have, or can obtain, weapons of mass destruction but lack the responsibility of ensuring that such weapons do not fall into malevolent hands.

Mr. Chairman, government has no greater responsibility than that of protecting the rights and freedoms of its citizens. I urge my colleagues to join me in taking an additional step forward in this effort by supporting H.R. 1817.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in support of this bill. I want to commend the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) for their very hard work. This bill includes provisions to improve our homeland security a great deal, but I regret that it is not complete.

Communication barriers faced by emergency personnel in Oklahoma City 10 years ago still plagued our first responders on September 11; 3½ years later, the very same first responders are waiting for further guidance and funding for communications interoperability. Section 308 reinforces Congress's intent for DHS, the Department of Commerce, and the FCC to work together to issue voluntary standards and a schedule to reach those standards.

I applaud this provision, but we could have done better. I am frustrated that two amendments I submitted to the Committee on Rules were not allowed under the rule. One of the amendments would have authorized grant funding for interoperability. Standards are a first step, but we must follow with resources. The U.S. Conference of Mayors June 2004 interoperability report noted that 75 percent of the cities surveyed have not received Federal funds for interoperable communications. This is unacceptable. First responders need, and quite frankly deserve, a commitment from this Congress that roadblocks to an interoperable communications system, particularly a lack of consistent and sustained Federal funding, will be eliminated.

My second amendment would have required that all airport employees go through some form of physical screening when entering sterile and secure areas. This happens at the busiest airport in the world, Heathrow, and in Canada; but it does not happen in the U.S. 9/11 Commission Chairman Kean told the Committee on Homeland Security that everybody should go through metal detectors without exception. We have spent tens of billions of dollars on passenger screening, but have nevertheless left gaping holes in the security of our airports.

These two fundamentals of homeland security, grant funding for first responder communications system and screening of airport workers, are long overdue. I support the bill, but it could have been improved with these commonsense measures.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in support of H.R. 1817, the Homeland Security Authorization Act for Fiscal Year 2006. I applaud the gentleman from California (Mr. COX) for his leadership and commitment to securing our Nation's borders. Congress has not been idle when it comes to our Nation's security, recently passing the REAL ID Act in the emergency wartime supplemental. I applaud all of these changes. They provide identification checks that will keep our vital infrastructure facilities like chemical and nuclear power plants safe from terrorists.

I know firsthand the value of security, as my hometown recently experienced the unfortunate confluence of illegal immigration, Social Security fraud, and potential terrorist threats. I live in Crystal River where there is a nuclear power plant, and it was found to have contracted with a businessman who, unbeknownst to them, had actually been using illegal immigrant day laborers who provided false or stolen Social Security numbers to obtain government-issued driver's licenses.

This issue brought home the vital importance of not only upgrading our identity verification processes but also of securing our borders. These people actually had been deported but sneaked back into the country and got a little too close to a critical infrastructure site for this Member of Congress to be able to tolerate.

We worked to strengthen our ID laws, but we also must work to strengthen our borders. Today our borders are overwhelmed. To anyone watching today, it is clear that America needs

border patrol agents. Just last week in the Committee on Government Reform, my colleagues and I heard testimony that the Department of Homeland Security does not have enough agents and that it desperately needs more. Last year's intelligence reform bill authorized 2,000 new agents. These new border patrol agents will deter illegals from entering the United States and will enhance response capabilities by almost 20 percent. However, funding was only proposed for 210 of these agents. This is unacceptable. 210 agents cannot adequately protect our borders.

Accordingly, I join my colleagues on the Immigration Reform Caucus to call for the full 2,000 new border patrol agents. I thank the gentleman from California again for placing this as a priority of securing our borders and authorizing the additional agents that America needs. Mr. Chairman, I strongly urge my colleagues to protect our borders and to vote in favor of the Homeland Security Authorization Act which does better protect nuclear power plants and chemical facilities.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, today represents a very important step to ensure that Congress truly begins to exercise a robust, judicious, and intense oversight of the Department of Homeland Security. Our committee has been called on to defend our ports, our infrastructure, our neighborhoods, indeed our families. We have risen to the challenge. Indeed, this first-ever authorization bill, H.R. 1817, will begin an annual ritual to critically examine the Department of Homeland Security and its effectiveness in securing our Nation.

Oversight is germane to our mission. It is an austere and sober undertaking, to be sure; and it should be. This Department was formed because of the disastrous terrorist attacks of September 11, and its mission is to help prevent and respond to any potential future assault.

I commend the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) for their leadership in undertaking this process. I understand the pressures that were faced in trying to complete this inaugural authorization, and our chairman has had to navigate a difficult course.

Make no mistake, there are provisions within this bill that will make very good public policy. The creation of an Assistant Secretary for cybersecurity within the Department is a wise measure to help combat a very real vulnerability. Likewise, allowing the Department of Homeland Security Secretary to provide additional incentives to recruit highly sought after intelligence analysts is a great step to combat one of our biggest national security problems.

However, while I applaud the work and the spirit that went into this legislation, I would have preferred to see a more comprehensive bill that addressed a greater assortment of security gaps that we have uncovered.

□ 1300

I will proudly support the substitute that the gentleman from Mississippi (Mr. THOMPSON), ranking member, will offer later today. The gentleman from Mississippi will improve this authorization by better funding our border security in aviation research. His substitute will provide the tools necessary to secure our chemical plants and ports, just to name but a few.

This is indeed a big day for homeland security and the Committee on Homeland Security and for Congress as a whole. I thank the chairman and the ranking member for all of their hard work.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science, someone who worked closely with our committee.

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill, which will help us better guide the Department of Homeland Security in its most important responsibilities. I want to thank the gentleman from California (Chairman COX) and the staff for working so closely with us on areas of the bill that were under the jurisdiction of the Committee on Science, which I am privileged to chair.

The Committee on Science created the Science and Technology Directorate, and we want to do everything we can to ensure that it succeeds in this mission. As I have said before many times, the war against terrorism, like the Cold War, will be won in the laboratory as much as on the battlefield.

The Committee on Science also played a key role in the establishment of the Information Assurance and Infrastructure Protection Directorate, where our interests have focused on cybersecurity, a grave and underappreciated threat, and one on which DHS unfortunately has focused too little attention and too few resources. We hope that is going to change.

This bill will strengthen research and development activities at the Department and will place new and added emphasis on cybersecurity. Specifically, the bill includes language to enhance technology transfer, to improve cybersecurity training, and to create an Assistant Secretary for cybersecurity and to authorize explicitly a cybersecurity research and development program. All of this language either originated in our committee or was worked out in collaboration between the Committee on Science and the Committee on Homeland Security.

I am especially pleased that the bill recognizes the need to focus more on cybersecurity. We all recognize it. We want to make sure that the agency follows through and responds accordingly. We need to act both immediately and in the long term. Immediately, we need to shore up existing networks and develop a system to detect, report, and respond to attacks. Over the long term, we need to figure out how to make computers harder to attack.

DHS needs to be working with the National Science Foundation, the National Institute of Standards and Technology, the Defense Advanced Research Projects Agency, and the National Security Agency on cybersecurity. But its own contributions are critical.

Let me close by thanking the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, working together, their staffs, and especially Tom DiLenge, and the entire Committee on Homeland Security by working cooperatively to come up with an excellent bill which has earned our support.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Chairman, I want to congratulate certainly the Committee on Homeland Security. I mean it was very difficult, I am sure, for them to try to work everything out that needed to be in starting and looking at a new territory. I happen to think that it is a bill that certainly has been put together and hopefully it is going to be everything that we need to keep this land safe.

With that being said, last night in the Committee on Rules, I tried to offer five different amendments. A lot of them had to do with gun safety. Mr. Chairman, as far as I am concerned, part of this legislation is incomplete when we talk about homeland security. It totally ignores threats posed by terrorists aiming themselves at our country. And according to a GAO report published earlier this year, they are finding exactly that. Why? Because of our pre-9/11 gun laws.

Common sense would dictate if we do not trust one to board a plane, we should not trust them to buy a gun. And that is exactly what we are seeing. We are seeing that certain people are on the no fly list, they are not allowed to get on a plane; yet those same people, a lot of them who certainly have backgrounds as terrorists, can go into any store, they can go to a gun show anywhere to be able to buy a gun.

That does not make sense to me. We are supposed to be protecting the American people. We are supposed to be protecting our law enforcement people and certainly our Federal employees. Anybody on a Federal terrorist watch list can buy assault weapons with the large capacity clips. We tried to have that addressed, especially the large capacity clips. We saw what all these people can do with only box cutters and boarding passes. What makes

it so easy for them to buy guns? Why is Congress ignoring this serious homeland security threat that we are facing? Why do we allow our enemies on the war on terror to arm themselves within our borders and make it so easy for them?

Almost all of the legislation that I have been proposing certainly would not stop one citizen from buying a gun. Until we address our pre-9/11 gun laws, our Nation's homeland security will be at risk.

As I said, we will certainly, hopefully before this Congress is over, be able to address these issues. Safety for the American people is paramount for all of us. Both sides agree on that, and I hope that we can have a new dialogue on how we talk about gun safety in this country, and part of it has to be homeland security.

Mr. DENT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to speak in support of H.R. 1817, the Department of Homeland Security Authorization Act for Fiscal Year 2006.

Mr. Chairman, I come to Congress in an era when rancor between the parties seems to dominate the headlines. This bill, however, is a testament to the idea, uniquely American, that congressional politics will always be placed on the back burner when it comes to the job of protecting the homeland.

This legislation has come to the floor of the House in no small part because of the bipartisan efforts of both the chairman and the ranking member of the Committee on Homeland Security, of which I am a member.

This is not to say that both sides did not state their positions forcefully. In this regard, there were spirited exchanges while this bill was being marked up in committee. There were over 30 amendments offered, and all were extensively and vigorously debated. Yet throughout all of this, the dialogue was cordial, and I believe this is because everyone involved possessed the same goal: pass a bill that would give this country the protection it deserves at a cost that we can all afford to pay.

The bill indeed puts resources where those resources are needed. It authorizes some $34 billion to fund programs designed to combat a host of homeland security issues. It allocates $1.84 billion so that the government can afford to hire and train some 2,000 new border patrol agents. These newly minted law enforcement officers will not only serve as a deterrent to would-be terrorists but also as an important element in the fight to curb illegal immigration in general.

Improving intelligence capabilities is also an important part of this legislation. The bill provides moneys so that the Department of Homeland Security can hire the best intelligence analysts available. It promotes the development of an open-source intelligence strategy, and it increases the capabilities of the Department of Homeland Security to detect and preempt the most serious kind of terrorism imaginable: a nuclear or biological attack.

Some have wondered whether or not this bill is comprehensive enough to deal with all the security threats the Nation must confront. There is no doubt in my mind that it is. There is money authorized here to make sure that containers coming from foreign ports receive risk-based cargo screening. Funding for this important project will also increase from $126 million in 2005 to $133 million in 2006. Further, the bill provides funding for such varied security issues as the protection of civilian passenger and cargo aircraft, $10 million; chemical countermeasure development, $76 million; the detection of weapons of mass destruction, $100 million; and critical infrastructure protection, $465 million.

The idea that homeland security funding should be based on security rather than on political concerns is one that resonates on both sides of the aisle of this great Chamber. The Members of this body recognize that the security challenges we face are unique in our history. The Homeland Security Authorization Act for Fiscal Year 2006 gives us the tools to meet these challenges. For that reason, I vigorously and strongly support this legislation.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), an excellent member on the committee.

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

Mr. ETHERIDGE. Mr. Chairman, I would like to thank the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for conducting what I think is a thoroughly balanced markup of this bill, the first House authorization of the Department of Homeland Security. This bill is a bipartisan product of our committee, and I am pleased that the committee included my amendment addressing the importance of agriculture security in the bill.

Too often folks take the safety of our food for granted. It is critical that the Department of Homeland Security work in close cooperation with other agencies of the Federal Government, especially the U.S. Department of Agriculture, to ensure the safety of the food in this country.

Although the authorization bill addresses many important issues, it is far from perfect. It fails to address a number of the important and wide-ranging security gaps, including the need for communication and interoperability between first responders. We also need more investment not only in the research and development of security technologies but also in the training of scientists, researchers, and analysts to support and protect our Nation.

This bill is a good first step, and I look forward to working on a bipartisan basis to address the remaining security gaps, and hopefully we will get a chance to vote on them today.

I thank the gentleman from Mississippi for his hard work and for yielding me this time, and I am proud to support this legislation.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I rise in strong support of H.R. 1817. This bill funds Homeland Security and helps to further protect our country from those who would intend to do us harm.

This bill creates a department-wide terrorism prevention plan, uniting the actions of 22 different Federal organizations that were combined into the Department. This bill expedites the deployment of the antiterrorism technology. It requires the Department to create and establish a technology clearinghouse within 90 days to expedite the deployment of antiterrorism technology for use by Federal, State, local, and private sector officials.

This bill increases border enforcement. It requires the Secretary to study the division of border security between Customs and Border Patrol and the Immigration and Customs Enforcement and to look at the merits of consolidation. This bill also gives the Secretary the ability to provide incentives to recruit highly-sought-after intelligence analysts.

As many speakers have already said, I certainly commend the chairman, I commend the ranking member for working together in a bipartisan fashion on such an important bill.

I would also like this Chamber to recognize that so much of this bill is focused on streamlining homeland security efforts, from better coordinating the various agencies to facilitating communication with local officials. I strongly rise in support of the creation of regional offices, which are called for in the committee report, because I believe that would aid these efforts. These regional offices would create a stronger platform to lead national efforts to set priorities, identify critical vulnerabilities, and to coordinate State, local, and private sector entities in order to protect our homeland from terrorist attacks.

Louisiana has got a lot to protect. We are home to more than 190 sites identified as national critical infrastructure. New Orleans is one of the largest port systems in the world. Baton Rouge, my hometown, is the Nation's furthest inland port, the only port in the country capable of handling superships. My State is the third largest producer of petroleum, the third leading State in petroleum refining, all of which requires critical infrastructure. Twenty-five percent of the Nation's exports are already shipped through Louisiana.

For those reasons, I strongly rise in support of these provisions that shift

our funding to one based on the risk and threat of actual attack as opposed to just politics. Louisiana is already home to a Coast Guard and border patrol regional office. We certainly hope that when the Department does come and decide where to locate these regional offices, we will be considered.

I rise in strong support of the bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), also a member of the committee.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, first I want to offer my great appreciation of the gentleman from Mississippi (Mr. THOMPSON), the ranking member of this committee, and of course for his collaborative efforts with the gentleman from California (Mr. COX), chairman of this committee.

□ 1315

I think that we can go on record as one of the more collaborative committees on something that requires an American response.

I rise today to say that we have made a good first step. As all of America's eyes were looking at a little Cessna, the Committee on Homeland Security now recognizes or has recognized that we are and have to be a proactive committee. We must give an answer to the American people that they will appreciate and find comfort that we are securing the homeland, the rural hamlets, the urban areas, the suburban areas, the counties, the cities, and Homeland Security Should be in our neighborhoods.

So I am somewhat disappointed that my community preparedness amendment was not included, but I look forward to working with the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) so that we can emphasize an enhanced citizen corps. I am glad that we will study the question of whether or not border violence requires volunteer efforts and whether or not we are doing all that we can as a governmental entity to protect our borders. That is the role and the responsibility of America.

Then I am delighted that we have done a few things in this bill, but, Mr. Chairman, I raise a question that there is no emphasis, no work done on the aviation security issues that are still growing and still there; no further work done on port security that really is important in America with the need for new technology and the inspection of cargo, which is not done in all of America's ports; and certainly, coming from Texas, I think it is important that we understand industry such as the energy industry, but we must demand safety and, as well, there is a great need for protecting, or at least providing those kinds of requirements and oversight.

We could do more. I look forward to supporting the substitute offered by the gentleman from Mississippi (Mr. THOMPSON), and I ask my colleagues to support my amendments regarding border violence as well as studies dealing with temporary protective status. I ask my colleagues that we work together to secure the homeland.

Mr. Chairman, I rise in support of the overall measure we consider today, the Department of Homeland Security Authorization Act for FY 2006, H.R. 1817. While there remain areas that have not been adequately addressed in its provisions, I recognize the importance of a bi-partisan effort to secure our homeland. We have waited three years for the crafting and consideration of an authorization measure, and now we have the chance to show America that we are responsible, prudent, and expedient.

H.R. 1817 is the first authorization measure since the passage of the Homeland Security Act of 2003. The appropriators withheld over $700 million from DHS due to incomplete fulfillment of specific reporting requirements; therefore, our passage of the most comprehensive and representative measure possible would equate to having conducted "due diligence" on our part.

Just yesterday, we in the House passed the Appropriations Act for FY 2006, H.R. 2360, by a margin of 424–1. I joined my committee colleagues in considering this bill from its incipiency as it passed in both the Committees on Homeland Security on April 28, 2005 and Judiciary on May 12, 2005 unanimously by voice vote. Today, the Committee of the Whole will make history by passing its first Homeland Security Authorization measure, and I support an expedient but prudent completion of this endeavor.

In the markup hearing of the Committee on the Judiciary held on May 12, 2005, I offered an amendment on behalf of and in conjunction with my colleague from California, who serves on the Democratic Caucus Task Force on Homeland Security, Vice Chair of the Democratic Caucus Task Force on Immigration, and First Vice Chair of the Congressional Hispanic Caucus. As I serve as the Ranking Member of this Committee's Subcommittee on Immigration, Border Security, and Claims, this important amendment that would require the collection of data on immigration consultants and "notarios" who conduct fraudulent immigration services for compensation, I was happy to offer this amendment. I thank the gentleman from Wisconsin, the Chairman of the Committee on Judiciary and the Ranking Member from Michigan for their collaborative support of this amendment as it was accepted and incorporated as Section 506 of the Amendment in Nature of a Substitute that we consider today.

During the 13-hour Homeland Security Committee markup session that ended at 11:15 p.m. I was able to secure sincere commitments from the Majority Leadership to work with me for inclusion of some of my major initiatives: funding and more clearly defining the Citizen Corps and the Citizen Corps Councils—which will include consideration of a stand-alone bill that I will introduce shortly; and increasing capacity for Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Institutions in Homeland Security procurement and in employment with the Department of Homeland Security. In addition, I was fortunate to have had my amendment, co-sponsored by the Gentlelady from California, Ms. LOFGREN, that seeks to authorize the funding of programs for the education of minorities in the areas of cyberscience, research, and development to close the gap in achievement in those areas and to make America better equipped to fight terrorism overall. Furthermore, I achieved an agreement from the Majority Committee Leadership to collaborate on addressing the issue of border violence, an initiative that the distinguished Chairman of the Appropriations Subcommittee on Homeland Security showed his commitment to addressing, as evidenced by his support for an amendment that I offered yesterday during the House's consideration of the appropriations measure, H.R. 2360. Not only do I hope to see this language survive the deliberations of the Conferees, but I hope to see follow-through by the Homeland Security Committee with the bi-partisan letter and with consideration of the amendment that I plan to offer during our consideration of H.R. 1817.

Mr. Speaker, what the House has done this week and will do today will establish the breadth and efficacy of the entire Department of Homeland Security. I hope that my colleagues will keep that in mind as we work to debate the amendments that have been made in order.

Mr. DENT. Mr. Chairman, I would like to inquire as to how much time remains.

The Acting CHAIRMAN (Mr. COLE of Oklahoma). The gentleman from Pennsylvania (Mr. DENT) has 5½ minutes remaining; the gentleman from Mississippi (Mr. THOMPSON) has 14½ minutes remaining.

Mr. DENT. Mr. Chairman, I yield myself 2 minutes.

As I stated in my previous remarks, this legislation is important for a number of reasons, not the least of which is it will help us in our fight against nuclear and biological terrorism. I think we all can agree that that is the one issue that, as Americans, we can agree to as our greatest threat. This committee has spent a great deal of time discussing that issue recently, and I believe, for one, that this bill adequately addresses that issue and many, many others.

So with that, again, I rise in strong support of this authorization legislation. I am proud of the bipartisan spirit that we have embraced in this committee led the chairman and the ranking member.

Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, we have no more speakers on our side, and I reserve the balance of the time for closing.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY), a member of the committee.

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

The Republican leadership has denied a debate on the House floor on the very important issue that passengers who

fly on commercial flights across America, tens of millions of Americans a year who put their families on commercial flights, are put in the situation where they take off their shoes, they have their computers checked, they have their bags which are inspected on those passenger flights, because we know that al Qaeda is trying to infiltrate commercial flights in America.

But the cargo, the cargo which goes on that very same plane, of somebody who did not buy a ticket on that flight but placed the cargo on that plane, is going to fly without being screened at all. Almost none of the cargo on American planes that carry passengers across our country is screened, although that cargo is almost the same size as your bags, which are on the same plane. So you have your bags screened, you have your family screened, but the cargo on that plane is not screened.

How much sense does that make, that your shoes are screened but that the cargo on the very same plane is not screened?

And do my colleagues want to hear something else even more absurd? If it is a package 16 ounces or less, they do not even look at the paperwork for it. It goes on that passenger plane automatically.

Mr. Chairman, this is wrong. In the past week, we have had two planes diverted that were coming from overseas because the no-fly terrorist list had not been completely checked before the plane was in midair, and it caused diversions both times. How can we allow the back door of planes to have cargo placed upon it that is not screened? It is absolutely wrong.

And the fact that the technology exists, that the Israelis screen the cargo, that other countries screen the cargo, how can we place tens of millions of Americans who place their families on planes, going to vacation, going back to school, on planes where the cargo is not inspected, and then have the Republicans say, we are not going to have a debate on that on the House floor.

My amendment with the gentleman from Connecticut (Mr. SHAYS) would have guaranteed that over the next 3 years technology would have been put in place that would have guaranteed that every single bit of cargo that goes on passenger planes is screened. And all we asked from the Republicans was that if you are not going to allow us to even make that amendment on the House floor, at least let us have a warning, a warning to all American families at the airports that you are placing your children on planes to go back to school or go to vacation when the cargo on that plane has not been screened.

Every American parent has the right to know that their children are being placed on planes to go to vacation or go to school without it being screened. Every American family has the right to know that when they put their children on passenger planes in America that almost none of the cargo has been screened, and then they can make the decision for themselves. I think that parents would not put their children on planes if the cargo has not been screened. They themselves, they might get on the plane.

But for the Republicans to not allow us to have a debate on the House floor on this issue, as we know that al Qaeda continues to target commercial aircraft as their number one terrorist target, is absolutely wrong.

So I ask opposition to this bill. It just is not dealing with the real issues that threaten the American public.

RAPISCAN SYSTEMS,
Hawthorne, CA, May 9, 2005.

Hon. EDWARD J. MARKEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MARKEY: We applaud your efforts to focus more attention on the glaring hole in the United States' aviation security—lack of air cargo inspection. Rapiscan Systems develops, manufactures, installs and services the world's widest array of non-intrusive inspection systems for airports, seaports, border crossings, military installation. Currently Rapiscan Systems provides nearly half of the checkpoint security systems at U.S. airports.

Included in our portfolio of systems is an air cargo inspection system that can inspect fully-loaded cargo containers. This system is being installed at George H.W. Bush Intercontinental Airport in Houston, Texas and Ted Stevens Anchorage International Airport in Alaska.

CONTAINERIZED AIR CARGO INSPECTION TECHNOLOGY EXISTS AND IS BEING INSTALLED AT U.S. AIRPORTS

In the late 1980's in response to the Pan Am 103 bombing, the United States Department of Defense began development of a material-specific bomb detection technology for aviation. As a result of this effort, the Ancore Corporation (now Rapiscan Systems Neutronics and Advanced Technologies Division) developed Pulsed-Fast Neutron Analysis (PFNA) technology. PFNA can automatically detect all explosives, chemical weapons, radioactive materials, narcotics and even hazardous aviation cargo. This technology was most recently deployed to the Ysleta border crossing in El Paso, TX.

Rapiscan Systems is currently deploying two PFNA air cargo inspection systems at U.S. airports: George H.W. Bush Intercontinental Airport in Houston and Ted Stevens Anchorage International Airport. Both of these installations are part of Transportation Security Administration programs. Similar neutron-based systems have been installed internationally, including an air cargo inspection facility at Taipei airport in Taiwan.

CONTAINERIZED CARGO INSPECTION MAINTAINS CURRENT AIR CARGO FLOW OF COMMERCE

While TSA and other government agencies have evaluated break-bulk cargo x-ray inspection systems (Rapiscan also manufacturers these systems), only PFNA can inspect containerized cargo. The difficulty with break-bulk systems is that they require containerized or palletized cargo to be unpacked to inspect. This adds hours to inspection time and makes some technologies unfeasible for fast delivery air cargo.

PFNA systems inspect fully loaded cargo containers and pallets for aviation-quantity threats (established by TSA). This allows for fast inspection without unpacking. PFNA systems meet the time constraints of the air cargo environment.

AIR CARGO INSPECTION CAN BE PROVIDED WITH CURRENT SCREENER CORPS

Another common argument against air cargo inspection is that they technologies will require hundreds of new TSA screeners to operate and inspect. Because PFNA provides automatic, material specific inspection each system only requires a single operator. And since, PFNA systems can inspect 6–10 containers per hour, most airports will only require one to two systems.

As congress debates the policy surrounding air cargo inspection, Rapiscan Systems offers to help Members and staff investigate the current availability and state of cargo inspection technologies. While cost and level of risk should factor into this debate, the question of the availability of technology to inspect air cargo has already been answered. Thank you again for your efforts to call attention to and rectify this important homeland security issue. Please let me know if Rapiscan Systems can be helpful in your continued efforts.

Sincerely,

PETER KANT,
Vice President, Government Affairs.

AMERICAN SCIENCE AND ENGINEERING, INC.,
Billerica, MA, May 17, 2005.

DEAR CONGRESSMAN MARKEY: American Science and Engineering Inc. (AS&E) would like to extend its support for the Bill being introduced by you and Congressman Shay which addresses the need to improve Air Cargo Security. As you know, potential threats in current Air Cargo could go undetected due the lack of a comprehensive inspection requirement or strategy.

Finding a broad range of potential explosive threats in Air Cargo is a challenge to today's technology. Although existing systems may not be able to find all threats under all conditions, it is still imperative to address the issue of Air Cargo security. Finding the theoretical small amount of explosive that could bring down an aircraft is not the only way to provide a higher sense of security. Many organizations around the World provide Air Cargo security by approaching the problem differently. In some cases they use X-ray technology to inspect cargo prior to loading a container or pallet. Others use current technology to inspect the entire container to find anomalies in the cargo such as bulk explosives, radioactive materials and stowaways. They can also determine if the cargo looks different from what the manifest stipulates, if there are false bulkheads or floors or there are extra or unusual containers present. Any of these anomalies can indicate the presence of a potential threat.

Most available systems today, including AS&E's product line of X-ray Transmission, Backscatter Imaging and Radioactive Threat Detection systems, can provide a significant step toward insuring that Air Cargo has not been tampered with or poses a threat.

If properly implemented into an airport flow of cargo, security can be improved with minimal impact to the flow of commerce. Many users of current Air Cargo inspection systems throughout the World have done this successfully. What is required in the USA is a mandate to move forward with Air Cargo security as a priority and a willingness to think about the problem differently.

We support your efforts and trust that our Government will do the responsible things to make our citizens safer in these troubled times. If we can be of further help, please feel free to contact us.

Best Regards,

RICH MASTRONARDI,
VP Strategic Marketing & Sales.

CARGO SECURITY SOLUTIONS, INC.,
Lewisville, TX, May 4, 2005.

Hon. EDWARD MARKEY,
Rayburn House Office Building,
Washington, DC.

Hon. CHRISTOPHER SHAYS,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN: We are aware that Congressman Markey and Congressman Shays are proposing a new Air Cargo Security Act (H.R. 2044). We feel that this is a comprehensive step forward for the entire security of the nation and that it should be enacted without hindrance. This nation needs a mandate similar to what was enacted in the days after 9/11 to screen passengers and we implore Congress to pass a similar measure for air cargo.

Air Cargo Security in this country poses a great risk and danger to the well being of every American.

The air cargo security solution is one that requires more than just technology. It will require coordination, resources, and a valid security infrastructure to apply a comprehensive effort. Cargo security must yield at least the results of the passenger screening initiatives without jeopardizing next day competitiveness of our businesses. Those, like Cargo Security Solutions, Inc. who are in the business of securing air cargo, recognize this fact and have integrated these concerns in their security models. At CSSI the speed of the supply chain is kept intact by the specific interaction of trained personal, stringent oversight, and ''out of the box'' solutions. These include the use next generation ''tickets'' for every piece of freight.

As industry and air cargo specialists we are very aware of the dangers threatening a vital part of the nation's economy. Cargo Security Solutions Inc., was established in the days after September 11th to ensure that a tragedy of equal magnitude never originates within the air cargo system.

Since 9/11 CSSI has developed and refined a security program that is centered around and focuses on 100% inspection. The program that has been developed implements inspections at various strategic points during the events of a shipment through the supply chain thus creating little negative impact on the chain itself. 100% inspection is feasible and CSSI is ready to implement a full solution and infrastructure, with the leadership of TSA and contributions from the air cargo industry.

There are other similar enterprises that are ready to contribute to this effort. These businesses run the gamut of industries, from technological to human resources. These are all specialized firms who are ready willing and able to tackle this issue.

Congressional leaders have received an abundant amount of information regarding the critical nature and threat posed by the air cargo security situation in this country. Countless, OIG, GAO, and other reports show how dire the situation really is. CSSI has joined in this effort and sent information regarding air cargo security to several congressional leaders. Included in some of these documents, have been clear plans as to how and why 100% inspection is feasible and the very ''clear and present danger'' that is posed by air cargo.

Most recently ''diamonds for arms'' shipments were discovered on Soviet made Antonov aircraft operated by designated arms dealer Viktor Bout. HIS company has been in business and operating within The United States since the early 1990s and has brought unknown shipments from all over the world including former soviet states with nuclear arms. Proliferation does exist, has existed and its results have made it on American soil. This should be a wakeup call for all American policy leaders. 100 percent inspection of all cargo is not only needed but necessary.

Regards,

CAPT. ROBERT C. DAVIS,
Cargo Security Solutions, Inc. CEO.

Mr. COX. Mr. Chairman, I yield to the gentleman from Mississippi for purposes of closing debate.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

We have heard a number of statements about this bill. It is an initial step in the right direction. It is not comprehensive. There are some glaring overlooks in the bill. We do not address any aviation security, we do not address chemical security. There are a number of things that we could do better in this bill.

However, I have to join my chairman in recognizing the fact that this is our first attempt to do an authorization bill. It is by no means complete, but given his leadership and willingness to work in a bipartisan spirit, I am looking forward to moving this legislation and making sure that we do the right thing for this country. We have to secure this Nation.

I will be offering a substitute later in the debate which obviously will cover far more areas than what this authorization bill covers that we are debating here today.

Clearly, if we support the substitute, we can move closer to making America secure.

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

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

Mr. Chairman, I want to begin by thanking the gentleman from Mississippi (Mr. THOMPSON), both for his generous remarks but, more importantly, for his hard work on this piece of legislation over a period of several months and, as he pointed out, through ultimately a very long, arduous markup in the committee where members on both sides had an unlimited opportunity to offer amendments and consider a variety of topics.

As we conclude general debate and prepare to move into debate on the specific amendments on this bill, I think we can recognize one important fact, and that is that we are all agreed on the essence of the underlying bill. We have some things, each of us, that we might like to add to this bill, and I predict that in due course, over the rest of this year, we will have an opportunity again on this House floor to take up issues, including aviation security, chemical security, port security, and so on.

But the entirety of what we do accomplish in this bill is bipartisan in nature and agreed upon by the members on both sides of the aisle, at least in the Committee on Homeland Security, and we will soon see about the House as a whole. That is because we have allocated the $32 billion, for what is now the third largest Cabinet department, in a way that demonstrably advances our number one goal of preventing terrorism in the future on American soil, directed against American citizens, protecting America's most critical infrastructure against terrorist attack, and being prepared to respond and recover should, against all our best preparations, that ever occur in the future.

In order to bring us to this point, we have had to have a great deal of bipartisan assistance, all motivated by the best interests of the country from Members on both sides.

I specifically want to mention the vice chairman of the full committee, the gentleman from Pennsylvania (Mr. WELDON); the chairmen and ranking members of our five subcommittees, and the Staff Directors on both sides, Ben Cohen on the Majority side and Calvin Humphreys on the minority side. The staffs have done extraordinary professional work, and their staffs are drawn from, in many cases, the executive branch, with experience about precisely the work and the programs that we are overseeing in this legislation. Many of them have come from the intelligence community, others come from the Coast Guard and other branches of the armed services.

We can be very proud in this House about the institutionalization of the role of homeland security oversight and authorization that has been set in motion as a result of a decision of leadership on both sides, and I want to conclude by taking this opportunity, once again, to thank the House leadership for its very wise decision to create permanent authorizing and oversight responsibility in this Congress on an institutionalized basis, and then, today, taking the next important step of institutionalizing an annual authorization process so that together the legislative branch and the executive branch will closely collaborate on what is the essence of our national security responsibility to all Americans: making sure that we are safe and secure on American territory for the American citizens.

So, Mr. Chairman, with that, I will draw this general debate to a conclusion, and I look forward to working with the body on the several amendments that have been made in order under the rule.

Mr. Chairman, I will at this time introduce into the RECORD a series of letters exchanged between the Committee on Homeland Security and other standing committees, including the Permanent Select Committee on Intelligence of the House of Representatives, concerning jurisdictional issues raised by this legislation.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 18, 2005.

Hon. CHRISTOPHER COX,
Chairman, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to consult and work with me as you guided H.R. 1817, ''the Department of Homeland Security Authorization Act for Fiscal Year 2006'' from introduction, through

the Homeland Security Committee, and to the floor. As you know, the Committee on Government Reform has been interested in a number of provisions within H.R. 1817. The Committee has been concerned that the expansion of the Department's responsibilities for information sharing in Title II, Subtitle B, Homeland Security Information Sharing and Analysis Enhancement, not lessen the Department's responsibility to follow government-wide policies and procedures for the sharing of information. In addition to the information sharing provisions of Subtitle B, the Committee has specific jurisdictional interests in the following provisions of your substitute: §201—Consolidated Background Check Process; §216—Coordination of homeland security threat analysis provided to non-Federal officials; §217—9/11 Homeland Security Fellows Program; §221—IAIP Personnel Recruitment; §302—Technology Development and Transfer; §303—Review of Antiterrorism Activities; Title III, Subtitle B—Department of Homeland Security Cybersecurity Enhancement; §334—Protection of Information; and §502—GAO Report to Congress.

I would like to confirm our mutual understanding with respect to the consideration of H.R. 1817. As you know, H.R. 1817 was sequentially referred to the Committee on Government Reform. Because of your willingness to work with us to resolve issues of concern to the Committee and to include those improvements to the bill in your amendment in the nature of a substitute on the floor, the Committee on Government Reform did not consider H.R. 1817. However, the Committee has done so only with the understanding that this procedural route would not prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar Senate bill be considered in conference with the Senate. Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate of this bill. If you have questions regarding this matter, please do not hesitate to call me. Thank you for your attention to this matter.

Sincerely,

TOM DAVIS,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 18, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 1817, ''the Department of Homeland Security Authorization Act for Fiscal Year 2006'', and your willingness to forego consideration of H.R. 1817 by the Committee.

I agree that the Committee on Government Reform has a valid jurisdictional interest in particular sections of H.R. 1817, and that the committee's jurisdiction with respect to those provisions will not be adversely affected by the Committee's decision to not consider H.R. 1817. In addition, I agree that for provisions of the bill that are determined to be within the jurisdiction of the Committee on Government Reform, I will support representation for your Committee during conference with the Senate on this or similar legislation, should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance as we work towards the enactment of H.R. 1817.

Sincerely,

CHRISTOPHER COX,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, May 2, 2005.

Hon. CHRISTOPHER COX,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN COX: On April 27, 2005, the Committee on Homeland Security ordered reported a committee print titled the, ''Department of Homeland Security Authorization Act for Fiscal Year 2006.'' Section 309 of the bill, which provides for a report to Congress on protecting agriculture from terrorist attack, falls within the jurisdiction of the Committee on Agriculture. Recognizing your interest in bringing this legislation before the House quickly, the Committee on Agriculture agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee does not waive its jurisdiction over this provision or any other provisions of the bill that may fall within its jurisdiction. The Committee also reserves its right to seek conferees on any provisions within its jurisdiction considered in the House-Senate conference, and asks for your support in being accorded such conferees.

Please include this letter as part of the report on the Department of Homeland Security Act for Fiscal Year 2006, or as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

BOB GOODLATTE,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 16, 2005.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Agriculture Committee's jurisdictional interest in section 309 of the ''Department of Homeland Security Authorization Act for Fiscal Year 2006.'' I appreciate your willingness not to seek a sequential referral in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Agriculture Committee does not waive any jurisdiction it may have over section 309. In addition, I agree to support representation for your Committee during the House-Senate conference on provisions determined to be within your Committee's jurisdiction.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's report or the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of the ''Department of Homeland Security Authorization Act for Fiscal Year 2006.''

Sincerely,

CHRISTOPHER COX,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2005.

Hon. CHRISTOPHER COX,
Chairman, Committee on Homeland Security, Adams Building Washington, DC.

DEAR CHAIRMAN COX: I am writing concerning H.R. 1817, the ''Department of Homeland Security Authorization Act for Fiscal Year 2006,'' which the Committee on Homeland Security reported on May 3, 2005. Subsequently, the Committee on Ways and Means received a joint, sequential referral on the bill for a period not ending later than May 13, 2005.

As you know, the Committee on Ways and Means has jurisdiction over trade and customs revenue functions. A range of provisions in H.R. 1817 affects the Committee's jurisdiction, including: authorization language for the Department of Homeland Security, a required review of trade documents that accompany crossborder shipments, a required plan to reduce disparities in customs processing at major airports, a requirement that certain recommendations of a commercial advisory committee representing the trade community be embodied in new regulations, a requirement of a study of the potential merger of the Department of Homeland Security bureau implementing most customs revenue functions with the bureau charged with immigration enforcement, and authorization of a program that would merge security and customs revenue inspection equipment and requirements.

I am pleased to acknowledge the agreement, outlined in the attached chart, between our Committees to address various issues, including changes you will include in the Manager's Amendment to the bill. Thus, in order to expedite this legislation for floor consideration, the Ways and Means Committee agrees to forgo action on this bill based on the agreement reached by our Committees and that no other provisions affecting the jurisdiction of the Ways and Means Committee are included in the Manager's Amendment. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. In addition, I would appreciate if you would share with my staff copies of the amendments when they are made available to the Homeland Security Committee staff.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1817, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Attachment.

WAYS AND MEANS AMENDMENTS AND LEGISLATIVE HISTORY RELATED TO HOMELAND SECURITY AUTHORIZATION BILL

Issue	
Sec. 103—CBP Authorization (includes amount in Customs Reauthorization bill passed by the House in 2004, along with additions identified by W&M and HSC).	Insert CBP Authorization number—$6,926,424,722 in the Manager's Amendment. Number may be adjusted, but any change would be fully cleared between HSC and Ways and Means.
Sec. 201(b)—Annual cross-cutting analysis of proposed funding for DHS programs.	Delete 201 (b)(1)(D) and replace with ''(1)(D) To facilitate trade and commerce;'' Add 201 (b)(1)(E)—''To carry out other important functions of the agencies and subdivisions within the Department not specifically noted above.''

WAYS AND MEANS AMENDMENTS AND LEGISLATIVE HISTORY RELATED TO HOMELAND SECURITY AUTHORIZATION BILL—Continued

	Issue
	Under 201 (b)(2)—Delete the following language: ''for functions that are both related directly and not related directly to homeland security'' and add: ''for functions that would address more than one of the mission areas listed in (b)(1)(A) through (E) of this subsection.''
	Rewrite 201(b)(3)(F) to state ''(F) Screening cargo to identify and segregate shipments at high risk for compromise by terrorists or terrorist weapons,'' rather than ''screening cargo to identify and segregate high-risk shipments.''
Sec. 306—Security of Maritime Cargo Containers (Sanchez Amendment)	Amend Sec. 306(a) to read: ''(a) STANDARDS AND REGULATIONS— (1) STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish standards and procedures for securing maritime cargo containers relating to obligation to seal, recording of seal changes, modal changes, seal placement, ocean carrier seal verification, and addressing seal anomalies. These standards shall include the standards for seals and locks as required under paragraph (3) of subsection (b) of section 70116 of Title 46 U.S.C. (2) REGULATIONS.—No later than 90 days after completion of the requirements in subsection (a), the Secretary of Homeland Security shall issue regulations for the security of maritime cargo containers consistent with the standards developed in subsection (a).''
	Amend Sec. 306(b) to read: ''(b) INTERNATIONAL AGREEMENTS.—The Secretary, in consultation with the Department of State, Department of Commerce, Department of the Treasury, Office of the United States Trade Representative, and other appropriate Federal agencies, shall seek to enter into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving within the intermodal transportation system that, to the maximum extent practicable, meet the requirements of subsection (a).''
	Amend Sec. 306(c) to read ''(c) CONTAINER TARGETING STRATEGY.—STRATEGY.—The Secretary shall develop a strategy to improve the ability of the Department of Homeland Security to use advance cargo information to identify anomalies in such information to determine whether such cargo poses a security risk. The strategy shall include a method of contacting shippers to verify or explain any anomalies discovered in such information.''
	Will include acknowledgement in legislative history that ''It is intended that the advance cargo information referred to in Section 306(c) should be provided to the government by the party that has the most direct knowledge of that information consistent with Public Law 107–210 Section 343(a)(3)(B).''
	Amend Section 306(d) to read: ''(d) CONTAINER SECURITY DEMONSTRATION PROGRAM.—(1) PROGRAM.—The Secretary is authorized to establish and carry out a demonstration program that integrates radiation detection equipment with other types of non-intrusive inspection equipment at an appropriate United States seaport, as determined by the Secretary. (2) REQUIREMENT.—The demonstration program shall also evaluate ways to strengthen the capability of Department of Homeland Security personnel to analyze cargo inspection data and ways to improve the transmission of inspection data between appropriate entities within the Department of Homeland Security.''
	Amend Section 306(e) to read: ''(e) COORDINATION AND CONSOLIDATION OF CONTAINER SECURITY PROGRAMS.—The Secretary shall coordinate all programs that enhance the security of maritime cargo, and, to the extent practicable, consolidate Operation Safe Commerce, the Smart Box Initiative, and similar programs that evaluate security enhancements for maritime cargo containers, to achieve enhanced coordination and efficiency. The Secretary shall report to the appropriate Congressional committees before consolidating any program mentioned in this subsection.''
	Add new Sec. New Section 306(f): ''DEFINITION.—In this section, the tenn 'appropriate congressional committees' means appropriate Congressional Committees as defined in the Homeland Security Act of 2002.''
Sec. 401—Study by Sec. of DHS on Organization of DHS	Section 401(b)(l)—delete ''to the Committee on Homeland Security of the House of DHS on Organization of Representatives and the Committee on Homeland Security and Government Affairs of the Senate'' and replace with ''to the appropriate Congressional Committees as defined in the Homeland Security Act of 2002.''
Section 402—GAO Report on DHS Organization	Insert at the end of this section: ''The report shall be submitted to the appropriate Congressional committees as defined in the Homeland Security Act of 2002.''
See. 403—Plan for Establishing Consolidated and Colocated Regional Offices	If Sec. 403, or a similar provision is included in the bill, amend that section by adding at the end of the section: ''In developing the plan, the Secretary shall ensure that the plan does not compromise the uniform and consistent implementation and application of laws, policies and procedures related to customs processing operations.''
Sec. 404—Plan to Reduce Wait Times	Amend Sec. 404(2) to include ''passenger'' following ''customs''.
Ways and Means Customs Bill	In addition to the authorization for CBP, include all other Customs sections of HR 4418 as passed by the House that were not already enacted as part of other laws—Secs. 102, 104, 124, and 125.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 13, 2005.

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

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Ways and Means Committee's jurisdictional interest in H.R. 1817, the ''The Department of Homeland Security Authorization Act for Fiscal Year 2006.'' I appreciate your willingness to forgo action on this bill, in order to expedite this legislation for floor consideration. I agree that, by forgoing further action on the bill, the Committee on Ways and Means does not waive any jurisdiction it has over provisions within H.R. 1817 and the Manager's amendment. This is being done with the understanding that it does not in any way prejudice the Ways and Means Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. We will also share with you copies of any amendments as they are made available to us.

As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of H.R. 1817.

Sincerely,

CHRISTOPHER COX,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2005.

Hon. CHRISTOPHER COX,
Chairman, Committee on Homeland Security, House of Representatives, Adams Building, Library of Congress, Washington, DC.

DEAR MR. CHAIRMAN: On April 27, 2005, the Committee on Homeland Security ordered reported a committee print, the ''Department of Homeland Security Authorization Act for Fiscal Year 2006.'' This bill contains provisions that fall within the jurisdiction of the Committee on Armed Services, including: section 222 (relating to information collection requirements and priorities) and section 302(b) (establishing a working group relating to military technology). Recognizing your interest in bringing this legislation before the House quickly, the Committee on Armed Services agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. The Committee also reserves its right to seek conferees on any provisions within its jurisdiction considered in the House-Senate conference, and asks for your support in being accorded such conferees.

Please include this letter as part of the report, if any, on the Department of Homeland Security Act for Fiscal Year 2006 or as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

DUNCAN HUNTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 2, 2005.

Hon. Duncan Hunter,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Armed Services Committee's jurisdictional interest in Section 222 and the working group on transfer of military technologies established under Section 302(b) of the ''Department of Homeland Security Authorization Act for Fiscal Year 2006.'' I appreciate your willingness not to seek a sequential referral in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Armed Services Committee does not waive any jurisdiction it may have over the relevant provisions of Sections 222 and 302(b). In addition, I agree to support representation for your Committee during the House-Senate conference on any provisions determined to be within your Committee's jurisdiction.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's report and the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of the ''Department of Homeland Security Authorization Act for Fiscal Year 2006.''

Sincerely,

CHRISTOPHER COX,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 16, 2005.

Hon. CHRISTOPHER COX,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of H.R. 1817, the ''Department of Homeland Security Authorization Act for Fiscal Year 2006,'' the Permanent Select Committee on Intelligence hereby waives further consideration of the bill. The Committee has jurisdictional interests in H.R. 1817, including but not limited to intelligence activities within the Department of Homeland Security authorized within the National Intelligence Program.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future. In addition, the Permanent Select Committee on Intelligence reserves the possibility of seeking conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on H.R. 1817. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

PETER HOEKSTRA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 16, 2005.

The Hon. PETER HOEKSTRA,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Intelligence Committee's jurisdictional interest in H.R. 1817, the ''The Department of Homeland Security Authorization Act for Fiscal Year 2006.'' I appreciate your willingness to waive further consideration of the bill in order to expedite this legislation for floor consideration: I agree that by waiving further consideration, the Intelligence Committee does not waive any jurisdiction it may have over provisions of the bill, including those relating to intelligence activities of the Department of Homeland Security authorized within the National Intelligence Program.

As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of H.R. 1817.

Sincerely,

CHRISTOPHER COX,
Chairman

Mr. UDALL of Colorado. Mr. Chairman, I support passage of this important bill—the first-ever authorization bill for the new Department of Homeland Security (DHS).

The bill includes many provisions that will improve Americans' security. These include authority for recruitment and training of 2,000 new border agents, better screening of incoming cargo, and improved background checks for people taking part in programs regulated by the DHS.

The bill also will help the government speak more clearly to Americans regarding threats to their security and will improve the way the federal government works with the States and local agencies to respond to those threats.

And it includes provisions to improve research on and implementation of anti-terror technology.

Of course, the bill could be better in a number of respects, which is why I voted for the substitute offered by Representative THOMPSON of Mississippi.

That substitute would have authorized $6.46 billion for homeland security grants to state and local governments, $2.29 billion more than the President's budget. It also would have authorized $400 million to restore funding to the Law Enforcement Terrorism Prevention program, which the President's budget would eliminate. And It would have authorized an additional $150 million in funding for the FIRE Act grants program, which provides fire departments across the nation with the equipment they need to respond to a terrorist attack.

The substitute also included a number of provisions to ensure that the commitments made in the 9/11 Reforms bill (PL 108–458) are fulfilled. Unfortunately, the President's budget left many of these commitments unmet. Among others, these included authorization for an additional $160 million to meet the 9/11 Act's commitment to securing air cargo, an additional $92 million to install radiation portal monitors at all ports of entry.

The substitute also would have authorized an additional $61 million to hire 600 additional immigration investigators, in order to reach the 800 investigators called for in the 9/11 Act. This would have gone a long way to increase the ability of the federal government to address immigration violations.

Of course, even without the additions that would have been made by the substitute, the bill does include a number of provisions related to immigration.

In that connection I want to note my vote on the Norwood amendment. Though the intentions of Mr. NORWOOD's amendment are laudable, I could not support the amendment because of the expansion of authority it gives to states to deport illegal immigrants.

Other parts of this bill will provide states with resources to train officers to enforce immigration law, without a mandate, by letting state and local government decide if they want to participate in this training. I believe Mr. Norwood's amendment also intended to provide resources to states without creating a mandate of enforcement.

However, it stated that local governments have the authority to ''apprehend, detain, or remove'' illegal immigrants. I do not believe it is the role of the states to make decisions on the deportation of individuals. Currently, states who are detaining illegal immigrants turn them over to the Department of Homeland Security, and I believe this is the proper process.

So, though I was supportive of the intent of that amendment, I could not support the expansion of authority to state and local governments.

As I mentioned, I believe this bill could be improved. Yet, our homeland security is an important priority and I am pleased to support this authorization bill.

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

□ 1330

The Acting CHAIRMAN (Mr. COLE of Oklahoma). All time for general debate has expired.

In lieu of the amendments recommended by the committees on Homeland Security, Energy and Commerce, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 109–84. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Homeland Security Authorization Act for Fiscal Year 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Department of Homeland Security.
Sec. 102. Customs and border protection; border patrol agents.
Sec. 103. Departmental management and operations.
Sec. 104. Critical infrastructure grants.
Sec. 105. Research and development.
Sec. 106. Border and transportation security.
Sec. 107. State and local terrorism preparedness.
Sec. 108. Immigration resources.

TITLE II—TERRORISM PREVENTION, INFORMATION SHARING, AND RISK ASSESSMENT

Subtitle A—Terrorism Prevention

Sec. 201. Consolidated background check process.

Subtitle B—Homeland Security Information Sharing and Analysis Enhancement

Sec. 211. Short title.
Sec. 212. Provision of terrorism-related information to private sector officials.
Sec. 213. Analytic expertise on the threats from biological agents and nuclear weapons.
Sec. 214. Alternative analysis of homeland security information.
Sec. 215. Assignment of information analysis and infrastructure protection functions.
Sec. 216. Coordination of homeland security threat analysis provided to non-Federal officials.
Sec. 217. 9/11 Memorial Homeland Security Fellows Program.
Sec. 218. Access to nuclear terrorism-related information.
Sec. 219. Access of Assistant Secretary for Information Analysis to terrorism information.
Sec. 220. Administration of the Homeland Security Information Network.
Sec. 221. IAIP personnel recruitment.
Sec. 222. Homeland Security Information Requirements.
Sec. 223. Homeland Security Advisory System.
Sec. 224. Use of open-source information.
Sec. 225. Full and efficient use of open-source information.
Sec. 226. Coordination with the intelligence community.
Sec. 227. Consistency with applicable Federal laws.

TITLE III—DOMESTIC PREPAREDNESS AND PROTECTION

Subtitle A—Preparedness and Protection

Sec. 301. National terrorism exercise program.
Sec. 302. Technology development and transfer.
Sec. 303. Review of antiterrorism acquisitions.
Sec. 304. Center of Excellence for Border Security.
Sec. 305. Requirements relating to the Container Security Initiative (CSI).
Sec. 306. Security of maritime cargo containers.
Sec. 307. Security plan for general aviation at Ronald Reagan Washington National Airport.
Sec. 308. Interoperable communications assistance.
Sec. 309. Report to Congress on implementation of recommendations regarding protection of agriculture.

Subtitle B—Department of Homeland Security Cybersecurity Enhancement

Sec. 311. Short title.
Sec. 312. Assistant Secretary for Cybersecurity.
Sec. 313. Cybersecurity training programs and equipment.
Sec. 314. Cybersecurity research and development.

Subtitle C—Security of public transportation systems

Sec. 321. Security best practices.
Sec. 322. Public awareness.

Subtitle D—Critical infrastructure prioritization
Sec. 331. Critical infrastructure.
Sec. 332. Security review.
Sec. 333. Implementation report.
Sec. 334. Protection of information.
TITLE IV—U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
Sec. 401. Establishment and implementation of cost accounting system; reports.
Sec. 402. Report relating to One Face at the Border Initiative.
Sec. 403. Customs services.
Sec. 404. Sense of Congress on interpretation of textile and apparel provisions.
TITLE V—MISCELLANEOUS
Sec. 501. Border security and enforcement coordination and operations.
Sec. 502. GAO report to Congress.
Sec. 503. Plan to reduce wait times.
Sec. 504. Denial of transportation security card.
Sec. 505. Transfer of existing Customs Patrol Officers unit and establishment of new CPO units in the Bureau of Immigration and Customs Enforcement.
Sec. 506. Data collection on use of immigration consultants.
Sec. 507. Office for State and local government coordination.
Sec. 508. Authority of other Federal agencies unaffected.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. DEPARTMENT OF HOMELAND SECURITY.

There is authorized to be appropriated to the Secretary of Homeland Security for the necessary expenses of the Department of Homeland Security for fiscal year 2006, $34,152,143,000.

SEC. 102. CUSTOMS AND BORDER PROTECTION; BORDER PATROL AGENTS.

Of the amount authorized under section 101, there is authorized to be appropriated for U.S. Customs and Border Protection for fiscal year 2006, $6,926,424,722, of which $1,839,075,277 is authorized for border security and control between ports of entry, including for the hiring of 2,000 full-time active-duty border patrol agents above the number of such positions for which funds were allotted for fiscal year 2005 (excluding any supplemental appropriations).

SEC. 103. DEPARTMENTAL MANAGEMENT AND OPERATIONS.

Of the amount authorized under section 101, there is authorized to be appropriated for fiscal year 2006 for departmental management and operations, $649,672,000, of which—

(1) $44,895,000 is authorized for the Department of Homeland Security Regions Initiative;

(2) $4,459,000 is authorized for Operation Integration Staff; and

(3) $56,278,000 is authorized for Office of Security initiatives.

SEC. 104. CRITICAL INFRASTRUCTURE GRANTS.

Of the amount authorized under section 101, there is authorized to be appropriated for fiscal year 2006 for grants and other assistance to improve critical infrastructure protection, $465,000,000.

SEC. 105. RESEARCH AND DEVELOPMENT.

Of the amount authorized under section 101, there are authorized to be appropriated for fiscal year 2006—

(1) $76,573,000 to support chemical countermeasure development activities of the Directorate of Science and Technology;

(2) $195,014,000 to support a nuclear detection office and related activities;

(3) $19,000,000 for cybersecurity-related research and development activities;

(4) $10,000,000 for research and development of technologies capable of countering threats posed by man-portable air defense systems, including location-based technologies and noncommercial aircraft-based technologies; and

(5) $10,600,000 for the activities of such directorate conducted pursuant to subtitle G of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 441 et seq.).

SEC. 106. BORDER AND TRANSPORTATION SECURITY.

Of the amount authorized under section 101, there are authorized to be appropriated for fiscal year 2006—

(1) $826,913,000 for expenses related to Screening Coordination and Operations of the Directorate of Border and Transportation Security;

(2) $100,000,000 for weapons of mass destruction detection technology of such directorate; and

(3) $133,800,000 for the Container Security Initiative of such directorate.

SEC. 107. STATE AND LOCAL TERRORISM PREPAREDNESS.

Of the amount authorized under section 101, there are authorized to be appropriated for fiscal year 2006—

(1) $40,500,000 for the activities of the Office for Interoperability and Compatibility within the Directorate of Science and Technology pursuant to section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C 194); and

(2) $2,000,000,000 for grants to State and local governments for terrorism preparedness awarded by the Office of State and Local Government Coordination and Preparedness.

SEC. 108. IMMIGRATION RESOURCES.

Of the amount authorized under section 101, there is authorized to be appropriated for fiscal year 2006 the following:

(1) For the Immigration and Customs Enforcement Legal Program, $159,514,000, including for the hiring of an additional 300 attorneys above the number of such positions for which funds were allotted for fiscal year 2005, and related training and support costs.

(2) Sufficient sums for the hiring of an additional 300 adjudicators above the number of such positions for which funds were allotted for fiscal year 2005 to carry out the functions stated in section 451(b) of the Homeland Security Act of 2002 (6 U.S.C. 271(b)), and related training and support costs. The fees provided for in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall be adjusted in order to provide sufficient sums for the hiring of the additional adjudicators and for the related training and support costs provided for in this paragraph.

TITLE II—TERRORISM PREVENTION, INFORMATION SHARING, AND RISK ASSESSMENT

Subtitle A—Terrorism Prevention

SEC. 201. CONSOLIDATED BACKGROUND CHECK PROCESS.

(a) REQUIREMENT.—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish a single process for conducting the security screening and background checks on individuals participating in any of the programs identified under subsection (b).

(b) INCLUDED PROGRAMS.—The process established under subsection (a) shall apply to the following programs:

(1) The Transportation Worker Identification Credential.

(2) The security risk determination and related background checks under section 5103a of title 49, United States Code, performed by the Transportation Security Administration as part of the Department of Transportation Hazardous Materials Endorsement credentialing program.

(3) The Free and Secure Trade program.

(4) The NEXUS and SENTRI border crossing programs.

(5) The Registered Traveler program of the Transportation Security Administration.

(c) FEATURES OF PROCESS.—The process established under subsection (a) shall include the following:

(1) A single submission of security screening information, including personal data and biometric information as appropriate, necessary to meet the security requirements of all applicable departmental programs.

(2) An ability to submit such security screening information at any location or through any process approved by the Secretary with respect to any of the applicable departmental programs.

(3) Acceptance by the Department of a security clearance or other credential issued by a Federal agency, to the extent that the security clearance process of the agency satisfies requirements that are at least as stringent as those of the applicable departmental programs under subsection (b).

(4) Appropriate standards and procedures for protecting individual privacy, confidentiality, record retention, and addressing other concerns relating to information security.

(d) DEADLINES.—The Secretary of Homeland Security shall—

(1) submit a description of the process developed under subsection (a) to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) by not later than 6 months after the date of the enactment of this Act; and

(2) begin implementing such process by not later than 12 months after the date of the enactment of this Act.

(e) INCLUSION OF OTHER PROGRAMS.—The Secretary of Homeland Security shall review other existing or developing Department of Homeland Security programs that include security screening or background checks for participating individuals, and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) any recommendations for inclusion of such additional programs in the consolidated screening process established under this section.

(f) RELATIONSHIP TO OTHER LAWS.—(1) Nothing in this section affects any statutory or regulatory requirement relating to the operation or standards of the programs described in subsection (b).

(2) Nothing in this section affects any statutory requirement relating to title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.).

Subtitle B—Homeland Security Information Sharing and Analysis Enhancement

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Homeland Security Information Sharing and Analysis Enhancement Act of 2005''.

SEC. 212. PROVISION OF TERRORISM-RELATED INFORMATION TO PRIVATE SECTOR OFFICIALS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

''(20) To require, in consultation with the Assistant Secretary for Infrastructure Protection, the creation and routine dissemination of analytic reports and products designed to provide timely and accurate information that has specific relevance to each of the Nation's private critical infrastructure

sectors (as identified in the national infrastructure protection plan issued under paragraph (5)), to private sector officials in each such sector who are responsible for protecting institutions within that sector from potential acts of terrorism and for mitigating the potential consequences of any such act.''.

SEC. 213. ANALYTIC EXPERTISE ON THE THREATS FROM BIOLOGICAL AGENTS AND NUCLEAR WEAPONS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

''(21) To ensure sufficient analytic expertise within the Office of Information Analysis to create, on an ongoing basis, products based on the analysis of homeland security information, as defined in section 892(f)(1), with specific reference to the threat of terrorism involving the use of nuclear weapons and biological agents to inflict mass casualties or other catastrophic consequences on the population or territory of the United States.''.

SEC. 214. ALTERNATIVE ANALYSIS OF HOMELAND SECURITY INFORMATION.

(a) REQUIREMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 203. ALTERNATIVE ANALYSIS OF HOMELAND SECURITY INFORMATION.

''The Secretary shall establish within the Department a process and assign an individual or entity the responsibility to ensure that, as appropriate, elements of the Department conduct alternative analysis (commonly referred to as 'red-team analysis') of homeland security information, as that term is defined in section 892(f)(1), that relates to potential acts of terrorism involving the use of nuclear weapons or biological agents to inflict mass casualties or other catastrophic consequences on the population or territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Alternative analysis of homeland security information.''.

SEC. 215. ASSIGNMENT OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION FUNCTIONS.

Section 201(b) of the Homeland Security Act of 2002 (6 U.S.C. 121(b)) is amended by adding at the end the following:

''(4) ASSIGNMENT OF SPECIFIC FUNCTIONS.—The Under Secretary for Information Analysis and Infrastructure Protection—

''(A) shall assign to the Assistant Secretary for Information Analysis the responsibility for performing the functions described in paragraphs (1), (4), (7) through (14), (16), and (18) of subsection (d);

''(B) shall assign to the Assistant Secretary for Infrastructure Protection the responsibility for performing the functions described in paragraphs (2), (5), and (6) of subsection (d);

''(C) shall assign to the Assistant Secretary for Cybersecurity the primary authority within the Department over the National Cyber Security Division and the National Communications System, and, in coordination with other relevant Federal agencies, the cybersecurity-related aspects of paragraphs (2), (3), (5), (6), (15), and (17) of subsection (d);

''(D) shall ensure that the Assistant Secretary for Information Analysis and the Assistant Secretary for Infrastructure Protection both perform the functions described in paragraphs (3), (15), and (17) of subsection (d); and

''(E) may assign to each such Assistant Secretary such other duties relating to such responsibilities as the Under Secretary may provide.''.

SEC. 216. COORDINATION OF HOMELAND SECURITY THREAT ANALYSIS PROVIDED TO NON-FEDERAL OFFICIALS.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

''SEC. 104. COORDINATION OF HOMELAND SECURITY THREAT ANALYSIS PROVIDED TO NON-FEDERAL OFFICIALS.

''(a) PRIMARY AUTHORITY.—Except as provided in subsection (b), the Secretary shall be responsible for coordinating all homeland security threat analysis to be provided to State and local government and tribal officials and the private sector.

''(b) COORDINATION REQUIRED.—No Federal official may disseminate any homeland security threat analysis to State, local, tribal, or private sector officials without the coordination of the Secretary or the Secretary's designee except—

''(1) in exigent circumstances under which it is essential that the homeland security threat analysis be communicated immediately; or

''(2) when such homeland security threat analysis is issued to State, local, or tribal law enforcement officials for the purpose of assisting them in any aspect of the administration of criminal justice.

''(c) DEFINITION.—(1) As used in this section, the term 'homeland security threat analysis' means any informational product that is the result of evaluating information, regardless of its source, in order to—

''(A) identify and assess the nature and scope of terrorist threats to the homeland;

''(B) detect and identify threats of terrorism against the United States; and

''(C) understand such threats in light of actual and potential vulnerabilities of the territory of the United States.

''(2) As defined in paragraph (1), the term 'homeland security threat analysis' does not include—

''(A) any information that has not been processed, evaluated, or analyzed;

''(B) any information that is evaluated to create any finished analytic product;

''(C) facts or summaries of facts;

''(D) reports of interviews; or

''(E) reports or other documents that merely aggregate or summarize information derived from multiple sources on the same or related topics.''.

(b) CLERICAL AMMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 103 the following:

''Sec. 104. Coordination of homeland security threat analysis provided to non-Federal officials.''.

SEC. 217. 9/11 MEMORIAL HOMELAND SECURITY FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 204. 9/11 MEMORIAL HOMELAND SECURITY FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a fellowship program in accordance with this section for the purpose of bringing State, local, tribal, and private sector officials to participate in the work of the Homeland Security Operations Center in order to become familiar with—

''(A) the mission and capabilities of that Center; and

''(B) the role, programs, products, and personnel of the Office of Information Analysis, the Office of Infrastructure Protection, and other elements of the Department responsible for the integration, analysis, and dissemination of homeland security information, as defined in section 892(f)(1).

''(2) PROGRAM NAME.—The program under this section shall be known as the 9/11 Memorial Homeland Security Fellows Program.

''(b) ELIGIBILITY.—In order to be eligible for selection as a fellow under the program, an individual must—

''(1) have homeland security-related responsibilities; and

''(2) possess an appropriate national security clearance.

''(c) LIMITATIONS.—The Secretary—

''(1) may conduct up to 4 iterations of the program each year, each of which shall be 90 days in duration; and

''(2) shall ensure that the number of fellows selected for each iteration does not impede the activities of the Center.

''(d) CONDITION.—As a condition of selecting an individual as a fellow under the program, the Secretary shall require that the individual's employer agree to continue to pay the individual's salary and benefits during the period of the fellowship.

''(e) STIPEND.—During the period of the fellowship of an individual under the program, the Secretary shall, subject to the availability of appropriations, provide to the individual a stipend to cover the individual's reasonable living expenses during the period of the fellowship.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 204. 9/11 Memorial Homeland Security Fellows Program.''.

SEC. 218. ACCESS TO NUCLEAR TERRORISM-RELATED INFORMATION.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

''(22) To ensure that—

''(A) the Assistant Secretary for Information Analysis receives promptly and without request all information obtained by any component of the Department if that information relates, directly or indirectly, to a threat of terrorism involving the potential use of nuclear weapons;

''(B) such information is—

''(i) integrated and analyzed comprehensively; and

''(ii) disseminated in a timely manner, including to appropriately cleared Federal, State, local, tribal, and private sector officials; and

''(C) such information is used to determine what requests the Department should submit for collection of additional information relating to that threat.''.

SEC. 219. ACCESS OF ASSISTANT SECRETARY FOR INFORMATION ANALYSIS TO TERRORISM INFORMATION.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

''(23) To ensure that the Assistant Secretary for Information Analysis—

''(A) is routinely and without request given prompt access to all terrorism-related information collected by or otherwise in the possession of any component of the Department, including all homeland security information (as that term is defined in section 892(f)(1)); and

''(B) to the extent technologically feasible has direct access to all databases of any component of the Department that may contain such information.''.

SEC. 220. ADMINISTRATION OF THE HOMELAND SECURITY INFORMATION NETWORK.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

''(24) To administer the homeland security information network, including—

''(A) exercising primary responsibility for establishing a secure nationwide real-time homeland security information sharing network for Federal, State, and local government agencies and authorities, tribal officials, the private sector, and other governmental and private entities involved in receiving, analyzing, and distributing information related to threats to homeland security;

''(B) ensuring that the information sharing systems, developed in connection with the network established under subparagraph (A), are utilized and are compatible with, to the greatest extent practicable, Federal, State, and local government, tribal, and private sector antiterrorism systems and protocols that have been or are being developed; and

''(C) ensuring, to the greatest extent possible, that the homeland security information network and information systems are integrated and interoperable with existing private sector technologies.''.

SEC. 221. IAIP PERSONNEL RECRUITMENT.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding after section 9701 the following:

''§ 9702. Recruitment bonuses

''(a) IN GENERAL.—Notwithstanding any provision of chapter 57, the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus to an individual in order to recruit such individual for a position that is primarily responsible for discharging the analytic responsibilities specified in section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) and that—

''(1) is within the Directorate for Information Analysis and Infrastructure Protection; and

''(2) would be difficult to fill in the absence of such a bonus.

In determining which individuals are to receive bonuses under this section, appropriate consideration shall be given to the Directorate's critical need for linguists.

''(b) BONUS AMOUNT, FORM, ETC.—

''(1) IN GENERAL.—The amount of a bonus under this section shall be determined under regulations issued by the Secretary of Homeland Security, with the concurrence of the Director of National Intelligence, but may not exceed 50 percent of the annual rate of basic pay of the position involved. The Director of National Intelligence shall concur in such regulations only if the amount of the bonus is not disproportionate to recruitment bonuses offered to intelligence analysts in other intelligence community agencies.

''(2) FORM OF PAYMENT.—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(3) COMPUTATION RULE.—For purposes of paragraph (1), the annual rate of basic pay of a position does not include any comparability payment under section 5304 or any similar authority.

''(c) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement with the Department of Homeland Security. The agreement shall include—

''(1) the period of service the individual shall be required to complete in return for the bonus; and

''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of any such termination.

''(d) ELIGIBILITY.—A bonus under this section may not be paid to recruit an individual for—

''(1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(2) a position in the Senior Executive Service as a noncareer appointee (as defined under section 3132(a)); or

''(3) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(e) TERMINATION.—The authority to pay bonuses under this section shall terminate on September 30, 2008.

''§ 9703. Reemployed annuitants

''(a) IN GENERAL.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, the annuitant's annuity shall continue. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

''(b) TERMINATION.—The exclusion pursuant to this section of the Directorate for Information Analysis and Infrastructure Protection from the reemployed annuitant provisions of chapters 83 and 84 shall terminate 3 years after the date of the enactment of this section, unless extended by the Secretary of Homeland Security. Any such extension shall be for a period of 1 year and shall be renewable.

''(c) ANNUITANT DEFINED.—For purposes of this section, the term 'annuitant' has the meaning given such term under section 8331 or 8401, whichever is appropriate.

''§ 9704. Regulations

''The Secretary of Homeland Security, in consultation with the Director of the Office of Personnel Management, may prescribe any regulations necessary to carry out section 9702 or 9703.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 97 of title 5, United States Code, is amended by adding after the item relating to section 9701 the following:

''9702. Recruitment bonuses.
''9703. Reemployed annuitants.
''9704. Regulations.''.

SEC. 222. HOMELAND SECURITY INFORMATION REQUIREMENTS.

(a) HOMELAND SECURITY INFORMATION REQUIREMENTS.—The Joint Intelligence Community Council shall advise the Director of National Intelligence with respect to homeland security intelligence requirements.

(b) DESIGNATION OF MEMBERS.—The President may designate officers of the United States Government in addition to the members named in or designated under section 101A(b) of the National Security Act to serve on the Joint Intelligence Community Council in a capacity limited to consideration of homeland security intelligence requirements.

(c) PARTICIPATION IN NATIONAL INTELLIGENCE COLLECTION REQUIREMENTS AND MANAGEMENT PROCESSES.—The Secretary shall be a member of any Director of National Intelligence-established interagency collection and requirements management board that develops and reviews national intelligence collection requirements in response to Presidential intelligence guidelines.

SEC. 223. HOMELAND SECURITY ADVISORY SYSTEM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended—

(1) in section 201(d)(7) (6 U.S.C. 121(d)(7)) by inserting ''under section 205'' after ''System''; and

(2) by adding at the end the following:

''SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Under Secretary for Information Analysis and Infrastructure Protection shall implement a Homeland Security Advisory System in accordance with this section to provide public advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts, as appropriate.

''(b) REQUIRED ELEMENTS.—The Under Secretary, under the System—

''(1) shall include, in each advisory and alert regarding a threat, information on appropriate protective measures and countermeasures that may be taken in response to the threat;

''(2) shall, whenever possible, limit the scope of each advisory and alert to a specific region, locality, or economic sector believed to be at risk; and

''(3) shall not, in issuing any advisory or alert, use color designations as the exclusive means of specifying the homeland security threat conditions that are the subject of the advisory or alert.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to subtitle A of title II the following:

''Sec. 205. Homeland Security Advisory System.''.

SEC. 224. USE OF OPEN-SOURCE INFORMATION.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

''(25) To ensure that, whenever possible—

''(A) the Assistant Secretary for Information Analysis utilizes open-source information and produces reports and analytic products based on such information that do not require a national security classification under applicable law; and

''(B) such unclassified open-source reports are produced, to the extent consistent with the protection of intelligence sources and methods from unauthorized disclosure, contemporaneously with reports or analytic products concerning the same or similar information that the Assistant Secretary for Information Analysis produces in a classified format.''.

SEC. 225. FULL AND EFFICIENT USE OF OPEN-SOURCE INFORMATION.

(a) REQUIREMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 206. FULL AND EFFICIENT USE OF OPEN-SOURCE INFORMATION.

''The Under Secretary shall ensure that, in meeting their analytic responsibilities under section 201(d) and in formulating requirements for collection of additional information, the Assistant Secretary for Information Analysis and the Assistant Secretary for Infrastructure Protection make full and efficient use of open-source information wherever possible.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 205 the following:

''Sec. 206. Full and efficient use of open-source information.''.

SEC. 226. COORDINATION WITH THE INTELLIGENCE COMMUNITY.

Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following:

''(h) COORDINATION WITH THE INTELLIGENCE COMMUNITY.—The Under Secretary shall ensure that, as to the responsibilities specified in subsection (d), the Assistant Secretary for Information Analysis serves as the official responsible for coordinating, as appropriate, with elements of the intelligence community.''.

SEC. 227. CONSISTENCY WITH APPLICABLE FEDERAL LAWS.

Unless otherwise expressly stated in this subtitle, the Secretary of Homeland Security shall ensure that all activities carried out under this subtitle are consistent with any applicable Federal laws relating to information policy of Federal agencies.

TITLE III—DOMESTIC PREPAREDNESS AND PROTECTION

Subtitle A—Preparedness and Protection

SEC. 301. NATIONAL TERRORISM EXERCISE PROGRAM.

(a) IN GENERAL.—Section 430(c) of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended by striking ''and'' after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ''; and'', and by adding at the end the following:

''(10) designing, developing, performing, and evaluating exercises at the national, State, territorial, regional, local, and tribal levels of government that incorporate government officials, emergency response providers, public safety agencies, the private sector, international governments and organizations, and other appropriate entities to test the Nation's capability to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism.''.

(b) NATIONAL TERRORISM EXERCISE PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Title VIII of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following new subtitle:

''Subtitle J—Terrorism Preparedness Exercises

''SEC. 899a. NATIONAL TERRORISM EXERCISE PROGRAM.

''(a) IN GENERAL.—The Secretary, through the Office for Domestic Preparedness, shall establish a National Terrorism Exercise Program for the purpose of testing and evaluating the Nation's capabilities to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism that—

''(1) enhances coordination for terrorism preparedness between all levels of government, emergency response providers, international governments and organizations, and the private sector;

''(2) is—

''(A) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

''(B) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

''(C) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

''(D) evaluated against performance measures and followed by corrective action to solve identified deficiencies; and

''(E) assessed to learn best practices, which shall be shared with appropriate Federal, State, territorial, regional, local, and tribal personnel, authorities, and training institutions for emergency response providers; and

''(3) assists State, territorial, local, and tribal governments with the design, implementation, and evaluation of exercises that—

''(A) conform to the requirements of paragraph (2); and

''(B) are consistent with any applicable State homeland security strategy or plan.

''(b) NATIONAL LEVEL EXERCISES.—The Secretary, through the National Terrorism Exercise Program, shall perform on a periodic basis national terrorism preparedness exercises for the purposes of—

''(1) involving top officials from Federal, State, territorial, local, tribal, and international governments, as the Secretary considers appropriate;

''(2) testing and evaluating, in coordination with the Attorney General, the Nation's capability to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction; and

''(3) testing and evaluating the Nation's readiness to respond to and recover from catastrophic acts of terrorism, especially those involving weapons of mass destruction.

''(c) CONSULTATION WITH FIRST RESPONDERS.—In implementing the responsibilities described in subsections (a) and (b), the Secretary shall consult with a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines, including as appropriate—

''(1) Federal, State, and local first responder training institutions;

''(2) representatives of emergency response providers; and

''(3) State and local officials with an expertise in terrorism preparedness.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title VIII the following:

''Subtitle J—Terrorism Preparedness Exercises

''Sec. 899a. National terrorism exercise program.''.

(c) TOPOFF PREVENTION EXERCISE.—No later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall design and carry out a national terrorism prevention exercise for the purposes of—

(1) involving top officials from Federal, State, territorial, local, tribal, and international governments as the Secretary considers appropriate; and

(2) testing and evaluating, in coordination with the Attorney General, the Nation's capability to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

SEC. 302. TECHNOLOGY DEVELOPMENT AND TRANSFER.

(a) ESTABLISHMENT OF TECHNOLOGY CLEARINGHOUSE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete the establishment of the Technology Clearinghouse under section 313 of the Homeland Security Act of 2002.

(b) TRANSFER PROGRAM.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

''(6) The establishment of a homeland security technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local governmental agencies, emergency response providers, and the private sector to prevent, prepare for, or respond to acts of terrorism.'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following new subsections:

''(c) ELEMENTS OF THE TECHNOLOGY TRANSFER PROGRAM.—The activities of the program described in subsection (b)(6) shall include—

''(1) identifying available technologies that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, or foreign governments and international organizations, and reviewing whether such technologies may be useful in assisting Federal, State, and local governmental agencies, emergency response providers, or the private sector to prevent, prepare for, or respond to acts of terrorism; and

''(2) communicating to Federal, State, and local governmental agencies, emergency response providers, or the private sector the availability of such technologies for antiterrorism use, as well as the technology's specifications, satisfaction of appropriate standards, and the appropriate grants available from the Department to purchase such technologies;

''(d) RESPONSIBILTIES OF UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—In support of the activities described in subsection (c), the Under Secretary for Science and Technology shall—

''(1) conduct or support, based on the Department's current risk assessments of terrorist threats, research, development, demonstrations, tests, and evaluations, as appropriate, of technologies identified under subparagraph (c)(1), including of any necessary modifications to such technologies for antiterrorism use;

''(2) ensure that the technology transfer activities throughout the Directorate of Science and Technology are coordinated, including the technology transfer aspects of projects and grants awarded to the private sector and academia;

''(3) consult with the other Under Secretaries of the Department and the Director of the Office for Domestic Preparedness, on an ongoing basis;

''(4) consult with Federal, State, and local emergency response providers;

''(5) consult with government agencies and standards development organizations as appropriate;

''(6) enter into agreements and coordinate with other Federal agencies, foreign governments, and national and international organizations as the Secretary determines appropriate, in order to maximize the effectiveness of such technologies or to facilitate commercialization of such technologies;

''(7) consult with existing technology transfer programs and Federal and State training centers that research, develop, test, evaluate, and transfer military and other technologies for use by emergency response providers; and

''(8) establish a working group in coordination with the Secretary of Defense to advise and assist the technology clearinghouse in the identification of military technologies that are in the process of being developed, or are developed, by the Department of Defense or the private sector, which may include—

''(A) representatives from the Department of Defense or retired military officers;

''(B) nongovernmental organizations or private companies that are engaged in the research, development, testing, or evaluation of related technologies or that have demonstrated prior experience and success in searching for and identifying technologies for Federal agencies;

''(C) Federal, State, and local emergency response providers; and

''(D) to the extent the Secretary considers appropriate, other organizations, other interested Federal, State, and local agencies, and other interested persons.''.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Science and Technology shall transmit to the Congress a description of the progress the Department has made in implementing the provisions of section 313 of the Homeland Security Act of 2002, as amended by this Act, including a description of the process used to review unsolicited proposals received as described in subsection (b)(3) of such section.

(d) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by this section) shall be construed to alter or diminish the effect of the limitation on the authority of the Secretary of Homeland Security under section 302(4) of the Homeland Security Act of 2002 (6 U.S.C. 182(4)) with respect to human health-related research and development activities.

SEC. 303. REVIEW OF ANTITERRORISM ACQUISITIONS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study of all Department of Homeland Security procurements, including ongoing procurements and anticipated procurements, to—

(1) identify those that involve any product, equipment, service (including support services), device, or technology (including information technology) that is being designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause; and

(2) assess whether such product, equipment, service (including support services), device, or technology is an appropriate candidate for the litigation and risk management protections of subtitle G of title VIII of the Homeland Security Act of 2002.

(b) SUMMARY AND CLASSIFICATION REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report—

(1) describing each product, equipment, service (including support services), device, and technology identified under subsection (a) that the Secretary believes would be an appropriate candidate for the litigation and risk management protections of subtitle G of title VIII of the Homeland Security Act of 2002;

(2) listing each such product, equipment, service (including support services), device, and technology in order of priority for deployment in accordance with current terrorism risk assessment information; and

(3) setting forth specific actions taken, or to be taken, to encourage or require persons or entities that sell or otherwise provide such products, equipment, services (including support services), devices, and technologies to apply for the litigation and risk management protections of subtitle G of title VIII of the Homeland Security Act of 2002, and to ensure prioritization of the Department's review of such products, equipment, services, devices, and technologies under such Act in accordance with the prioritization set forth in paragraph (2) of this subsection.

SEC. 304. CENTER OF EXCELLENCE FOR BORDER SECURITY.

The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence. The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by the Nation's borders and border control systems. The activities should include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the Nation's borders.

SEC. 305. REQUIREMENTS RELATING TO THE CONTAINER SECURITY INITIATIVE (CSI).

(a) DESIGNATION OF NEW FOREIGN SEAPORTS.—The Secretary of Homeland Security may designate a foreign seaport as a participating seaport in the Container Security Initiative program on or after the date of the enactment of this Act if the Secretary—

(1) determines, based on a foreign port assessment carried out under section 70108(a) of title 46, United States Code, or such other risk assessment that the Secretary may perform, and a cost-benefit analysis, that the benefits of designating such seaport as a participating seaport outweigh the cost of expanding the program to such seaport; and

(2) enters into an agreement with the foreign government of such seaport, in consultation with the Department of State and other appropriate Federal agencies to—

(A) establish security criteria to identify the potential compromise by terrorists or terrorist weapons of maritime cargo containers bound for the United States based on advance information; and

(B) screen or inspect such maritime cargo containers for potential compromise by terrorists or terrorist weapons prior to shipment to the United States.

(b) DEPLOYMENT OF INSPECTION EQUIPMENT TO NEW CSI PARTICIPATING SEAPORTS.—

(1) DEPLOYMENT.—The Secretary may—

(A) loan or otherwise provide nonintrusive inspection equipment for maritime cargo containers, on a nonreimbursable basis, at a seaport designated under subsection(a); and

(B) provide training for personnel at a seaport designated under subsection (a) to operate the nonintrusive inspection equipment.

(2) ADDITIONAL REQUIREMENTS.—

(A) CAPABILITY REQUIREMENTS AND OPERATING PROCEDURES.—The Secretary shall establish technical capability requirements and standard operating procedures for nonintrusive inspection equipment described in paragraph (1), consistent with any standards established by the Secretary under section 70116 of title 46 United States Code.

(B) AGREEMENT REQUIRED.—The Secretary shall require each CSI port to agree to operate such equipment in accordance with requirements and procedures established under subparagraph (A) as a condition for receiving the equipment and training under paragraph (1).

(c) DEPLOYMENT OF PERSONNEL TO NEW CSI PORTS; REEVALUATION OF PERSONNEL AT ALL CSI PORTS.—

(1) DEPLOYMENT.—The Secretary shall deploy United States Customs and Border Protection personnel to each seaport designated under subsection (a) with respect to which the Secretary determines that the deployment is necessary to successfully implement the requirements of CSI at the port.

(2) REEVALUATION.—The Secretary shall periodically review relevant risk assessment information with respect to each seaport at which personnel are deployed under paragraph (1) to assess whether or not continued deployment of such personnel, in whole or in part, is necessary to success fully implement the requirements of CSI at the port.

(d) INSPECTION AND SCREENING AT UNITED STATES PORTS OF ENTRY.—Cargo containers arriving at a United States port of entry from a CSI port shall undergo the same level of inspection and screening for potential compromise by terrorists or terrorist weapons as cargo containers arriving at a United States port of entry from a foreign seaport that is not participating in CSI unless the containers were initially inspected at the CSI port at the request of personnel deployed under subsection (c) and such personnel verify and electronically record that the inspection indicates that the containers have not been compromised by terrorists or terrorist weapons.

SEC. 306. SECURITY OF MARITIME CARGO CONTAINERS.

(a) STANDARDS AND REGULATIONS.—

(1) STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish standards and procedures for securing maritime cargo containers relating to obligation to seal, recording of seal changes, modal changes, seal placement, ocean carrier seal verification, and addressing seal anomalies. These standards shall include the standards for seals and locks as required under paragraph (3) of subsection (b) of section 70116 of title 46, United States Code.

(2) REGULATIONS.—No later than 90 days after completion of the requirements in subsection (a), the Secretary of Homeland Security shall issue regulations for the security of maritime cargo containers consistent with the standards developed in subsection (a).

(b) INTERNATIONAL AGREEMENTS.—The Secretary, in consultation with the Department of State, Department of Commerce, Department of Treasury, Office of the United States Trade Representative, and other appropriate Federal agencies, shall seek to enter into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving within the intermodal transportation system that, to the maximum extent practicable, meet the requirements of subsection (a).

(c) CONTAINER TARGETING STRATEGY.—The Secretary shall develop a strategy to improve the ability of the Department of Homeland Security to use advance cargo information to identify anomalies in such information to determine whether such cargo poses a security risk. The strategy shall include a method of contacting shippers to verify or explain any anomalies discovered in such information.

(d) CONTAINER SECURITY DEMONSTRATION PROGRAM.—

(1) PROGRAM.—The Secretary is authorized to establish and carry out a demonstration program that integrates radiation detection equipment with other types of nonintrusive inspection equipment at an appropriate United States seaport, as determined by the Secretary.

(2) REQUIREMENT.—The demonstration program shall also evaluate ways to strengthen the capability of Department of Homeland Security personnel to analyze cargo inspection data and ways to improve the transmission of inspection data between appropriate entities within the Department of Homeland Security.

(e) COORDINATION AND CONSOLIDATION OF CONTAINER SECURITY PROGRAMS.—The Secretary shall coordinate all programs that enhance the security of maritime cargo, and, to the extent practicable, consolidate Operation Safe Commerce, the Smart Box Initiative, and similar programs that evaluate security enhancements for maritime cargo containers, to achieve enhanced coordination and efficiency. The Secretary shall report to the appropriate congressional committees (as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) before consolidating any program mentioned in this subsection.

SEC. 307. SECURITY PLAN FOR GENERAL AVIATION AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement section 823(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41718 note; 117 Stat. 2595).

SEC. 308. INTEROPERABLE COMMUNICATIONS ASSISTANCE.

(a) FINDINGS.—The Congress finds the following:

(1) The 9/11 Commission determined that the inability of first responders to communicate effectively on September 11, 2001 was

a critical obstacle to an effective multi-jurisdictional response.

(2) Many jurisdictions across the country still experience difficulties communicating that may contribute to confusion, delays, or added risks when responding to an emergency.

(3) During fiscal year 2004, the Office for Domestic Preparedness awarded over $834,000,000 for 2,912 projects through Department of Homeland Security grant programs for the purposes of improving communications interoperability.

(4) Interoperable communications systems are most effective when designed to comprehensively address, on a regional basis, the communications of all types of public safety agencies, first responder disciplines, and State and local government facilities.

(5) Achieving communications interoperability is complex due to the extensive training, system modifications, and agreements among the different jurisdictions that are necessary to implement effective communications systems.

(6) The Congress authorized the Department of Homeland Security to create an Office for Interoperability and Compatibility in the Intelligence Reform and Terrorism Prevention Act of 2004 to, among other things, establish a comprehensive national approach, coordinate federal activities, accelerate the adoption of standards, and encourage research and development to achieve interoperable communications for first responders.

(7) The Office for Interoperability and Compatibility includes the SAFECOM Program that serves as the umbrella program within the Federal government to improve public safety communications interoperability, and has developed the RAPIDCOM program, the Statewide Communications Interoperability Planning Methodology, and a Statement of Requirements to provide technical, planning, and purchasing assistance for Federal departments and agencies, State and local governments, and first responders.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Department of Homeland Security should implement as expeditiously as possible the initiatives assigned to the Office for Interoperability and Compatibility under section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194), including specifically the following:

(1) Establishing a comprehensive national approach to achieving public safety interoperable communications.

(2) Issuing letters of intent to commit future funds for jurisdictions through existing homeland security grant programs to applicants as appropriate to encourage long-term investments that may significantly improve communications interoperability.

(3) Providing technical assistance to additional urban and other high-risk areas to support the establishment of consistent, secure, and effective interoperable communications capabilities.

(4) Completing the report to the Congress on the Department's plans for accelerating the development of national voluntary consensus standards for public safety interoperable communications, a schedule of milestones for such development, and achievements of such development, by no later than 30 days after the date of enactment of this Act.

SEC. 309. REPORT TO CONGRESS ON IMPLEMENTATION OF RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

The Secretary of Homeland Security shall report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) by no later than 120 days after the date of the enactment of this Act regarding how the Department of Homeland Security will implement the applicable recommendations from the Government Accountability Office report entitled ''Homeland Security: Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain'' (GAO–05–214).

Subtitle B—Department of Homeland Security Cybersecurity Enhancement

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''Department of Homeland Security Cybersecurity Enhancement Act of 2005''.

SEC. 312. ASSISTANT SECRETARY FOR CYBERSECURITY.

Section 201(b) of the Homeland Security Act of 2002 (6 U.S.C. 121(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) ASSISTANT SECRETARY FOR CYBERSECURITY.—There shall be in the Department an Assistant Secretary for Cybersecurity, who shall be appointed by the President.''; and

(3) in paragraph (4), as redesignated by subparagraph (A) of this paragraph—

(A) by striking ''Analysis and the'' and inserting ''Analysis, the''; and

(B) by striking ''Protection shall'' and inserting ''Protection, and the Assistant Secretary for Cybersecurity shall''.

SEC. 313. CYBERSECURITY TRAINING PROGRAMS AND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for—

(1) the establishment or expansion of cybersecurity professional development programs;

(2) the establishment or expansion of associate degree programs in cybersecurity; and

(3) the purchase of equipment to provide training in cybersecurity for either professional development programs or degree programs.

(b) ROLES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, acting through the Assistant Secretary for Cybersecurity and in consultation with the Director of the National Science Foundation, shall establish the goals for the program established under this section and the criteria for awarding grants under the program.

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall operate the program established under this section consistent with the goals and criteria established under paragraph (1), including soliciting applicants, reviewing applications, and making and administering grant awards. The Director may consult with the Assistant Secretary for Cybersecurity in selecting awardees.

(3) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section.

(c) GRANT AWARDS.—

(1) PEER REVIEW.—All grant awards under this section shall be made on a competitive, merit-reviewed basis.

(2) FOCUS.—In making grant awards under this section, the Director shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented minorities.

(3) PREFERENCE.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 101, there is authorized to be appropriated to the Secretary for carrying out this section $3,700,000 for fiscal year 2006.

(e) DEFINITIONS.—In this section, the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 314. CYBERSECURITY RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et. seq.) is amended by adding at the end the following new section:

''SEC. 314. CYBERSECURITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support research and development, including fundamental, long-term research, in cybersecurity to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

''(b) ACTIVITIES.—The research and development supported under subsection (a), shall include work to—

''(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

''(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

''(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and

''(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Assistant Secretary for Cybersecurity; and

''(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify unmet needs and cooperatively support activities, as appropriate.

''(d) NATURE OF RESEARCH.—Activities under this section shall be carried out in accordance with section 306(a) of this Act.''.

Subtitle C—Security of Public Transportation Systems

SEC. 321. SECURITY BEST PRACTICES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall issue a report containing best practices for the security of public transportation systems related to the threats from terrorism. Such report shall be developed in consultation with providers of public transportation, industry associations, public transportation employee representatives, first responders, and appropriate Federal, State, and local officials. The Secretary of Transportation shall disseminate the report to providers of public transportation, industry associations, public transportation employee representatives, and appropriate Federal, State, and local officials, the Committee on Homeland Security and the Committee on Transportation

and Infrastructure of the House of Representatives, and any other appropriate entities.

SEC. 322. PUBLIC AWARENESS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation, after consultation with the Secretary of Homeland Security, shall develop a national plan to increase awareness of measures that the general public, public transportation passengers, and public transportation employees can take to increase public transportation security related to the threat of terrorism. Such plan shall also provide outreach to providers and employees of public transportation systems on available transportation security technologies, ongoing research and development efforts, employee training, and available Federal funding sources to improve public transportation security. Not later than 9 months after the date of the enactment of this Act, the Secretary of Transportation shall disseminate the plan to providers of public transportation, industry associations, public transportation employee representatives, appropriate Federal, State, and local officials, and other appropriate entities.

Subtitle D—Critical Infrastructure Prioritization

SEC. 331. CRITICAL INFRASTRUCTURE.

(a) COMPLETION OF PRIORITIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the prioritization of the Nation's critical infrastructure according to all of the following criteria:

(1) The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department regarding the intentions and capabilities of terrorist groups and other potential threats to the Nation's critical infrastructure.

(2) The likelihood that an attack would cause the destruction or significant disruption of such infrastructure.

(3) The likelihood that an attack would result in substantial numbers of deaths and serious bodily injuries, a substantial adverse impact on the national economy, or a substantial adverse impact on national security.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

SEC. 332. SECURITY REVIEW.

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate, shall—

(1) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization developed under section 331;

(2) recommend changes to existing plans for securing such infrastructure, as the Secretary determines necessary; and

(3) coordinate and contribute to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate.

(b) CONTENTS OF PLANS.—The recommendations made under subsection (a)(2) shall include—

(1) protective measures to secure such infrastructure, including milestones and timeframes for implementation; and

(2) to the extent practicable, performance metrics to evaluate the benefits to both national security and the Nation's economy from the implementation of such protective measures.

SEC. 333. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) on the implementation of section 332. Such report shall detail—

(1) the Secretary's review and coordination of security plans under section 332; and

(2) the Secretary's oversight of the execution and effectiveness of such plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update of such report to the congressional committees described in subsection (a).

SEC. 334. PROTECTION OF INFORMATION.

(a) PROTECTION OF INFORMATION.—The information set forth in subsection (b) that is generated, compiled, or disseminated by the Department of Homeland Security in carrying out this subtitle—

(1) is exempt from disclosure under section 552 of title 5, United States Code; and

(2) shall not, if provided by the Department to a State or local government or government agency—

(A) be made available pursuant to any State or local law requiring disclosure of information or records;

(B) otherwise be disclosed or distributed to any person by such State or local government or government agency without the written consent of the Secretary; or

(C) be used other than for the purpose of protecting critical infrastructure or protected systems, or in furtherance of an investigation or the prosecution of a criminal act.

(b) INFORMATION COVERED.—Information referred to in subsection (a) is the following:

(1) The Secretary's prioritization of critical infrastructure pursuant to section 331, including any information upon which such prioritization was based;

(2) the Secretary's review of existing security plans for such infrastructure pursuant to section 332(a)(1).

(3) The Secretary's recommendations for changes to existing plans for securing such infrastructure pursuant to section 332(a)(2).

(4) The nature and scope of protective efforts with respect to such infrastructure under section 332(a)(3).

(5) The report and update prepared by the Secretary pursuant to section 333, including any information upon which such report and update are based.

TITLE IV—U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SEC. 401. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

Section 334 of the Customs and Border Security Act of 2002 (19 U.S.C. 2082 note) is amended to read as follows:

"SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

''(a) ESTABLISHMENT AND IMPLEMENTATION; CUSTOMS AND BORDER PROTECTION.—

''(1) IN GENERAL.—Not later than September 30, 2006, the Commissioner of U.S. Customs and Border Protection shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system—

''(A) for expenses incurred in both commercial and noncommercial operations of U.S. Customs and Border Protection of the Department of Homeland Security, which system should specifically identify and distinguish expenses incurred in commercial operations and expenses incurred in noncommercial operations; and

''(B) for expenses incurred both in administering and enforcing the customs laws of the United States and the Federal immigration laws, which system should specifically identify and distinguish expenses incurred in administering and enforcing the customs laws of the United States and the expenses incurred in administering and enforcing the Federal immigration laws.

''(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of U.S. Customs and Border Protection, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of expenses.

''(b) ESTABLISHMENT AND IMPLEMENTATION; IMMIGRATION AND CUSTOMS ENFORCEMENT.—

''(1) IN GENERAL.—Not later than September 30, 2006, the Assistant Secretary for U.S. Immigration and Customs Enforcement shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system—

''(A) for expenses incurred in both commercial and noncommercial operations of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, which system should specifically identify and distinguish expenses incurred in commercial operations and expenses incurred in noncommercial operations;

''(B) for expenses incurred both in administering and enforcing the customs laws of the United States and the Federal immigration laws, which system should specifically identify and distinguish expenses incurred in administering and enforcing the customs laws of the United States and the expenses incurred in administering and enforcing the Federal immigration laws.

''(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the amount of time spent on the operation by personnel of U.S. Immigration and Customs Enforcement, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of expenses.

''(c) REPORTS.—

''(1) DEVELOPMENT OF THE COST ACCOUNTING SYSTEMS.—Beginning on the date of the enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2006 and ending on the date on which the cost accounting systems described in subsections (a) and (b) are fully implemented, the Commissioner of U.S. Customs and Border Protection and the Assistant Secretary for U.S. Immigration and Customs Enforcement, respectively, shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting systems pursuant to subsections (a) and (b).

''(2) ANNUAL REPORTS.—Beginning one year after the date on which the cost accounting systems described in subsections (a) and (b) are fully implemented, the Commissioner of U.S. Customs and Border Protection and the Assistant Secretary for U.S. Immigration and Customs Enforcement, respectively, shall prepare and submit to Congress on an

annual basis a report itemizing the expenses identified in subsections (a) and (b).

''(3) OFFICE OF THE INSPECTOR GENERAL.—Not later than March 31, 2007, the Inspector General of the Department of Homeland Security shall prepare and submit to Congress a report analyzing the level of compliance with this section and detailing any additional steps that should be taken to improve compliance with this section.''.

SEC. 402. REPORT RELATING TO ONE FACE AT THE BORDER INITIATIVE.

Not later than September 30 of each of the calendar years 2006 and 2007, the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security shall prepare and submit to Congress a report—

(1) analyzing the effectiveness of the One Face at the Border Initiative at enhancing security and facilitating trade;

(2) providing a breakdown of the number of personnel of U.S. Customs and Border Protection that were personnel of the United States Customs Service prior to the establishment of the Department of Homeland Security, that were personnel of the Immigration and Naturalization Service prior to the establishment of the Department of Homeland Security, and that were hired after the establishment of the Department of Homeland Security;

(3) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(4) outlining the steps taken by U.S. Customs and Border Protection to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 403. CUSTOMS SERVICES.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking ''(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2)),'' and inserting:

''(1) IN GENERAL.—

''(A) SCHEDULED FLIGHTS.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2)),''; and

(2) by adding at the end the following:

''(B) CHARTER FLIGHTS.—If a charter air carrier (as defined in section 40102(13) of title 49, United States Code) specifically requests that customs border patrol services for passengers and their baggage be provided for a charter flight arriving after normal operating hours at a customs border patrol serviced airport and overtime funds for those services are not available, the appropriate customs border patrol officer may assign sufficient customs employees (if available) to perform any such services, which could lawfully be performed during regular hours of operation, and any overtime fees incurred in connection with such service shall be paid by the charter air carrier.''.

SEC. 404. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS.

It is the sense of Congress that U.S. Customs and Border Protection of the Department of Homeland Security should interpret, implement, and enforce the provisions of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), section 204 of the Andean Trade Preference Act (19 U.S.C. 3203), and section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703), relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from eligible beneficiary countries.

TITLE V—MISCELLANEOUS

SEC. 501. BORDER SECURITY AND ENFORCEMENT COORDINATION AND OPERATIONS.

(a) FINDINGS.—The Congress makes the following findings:

(1) As part of the creation of the Department of Homeland Security, section 442 of the Homeland Security Act of 2002 (Public Law 107–273) established a Bureau of Border Security and transferred into it all of the functions, programs, personnel, assets, and liabilities pertaining to the following programs: the Border Patrol; alien detention and removal; immigration-related intelligence, investigations, and enforcement activities; and immigration inspections at ports of entry.

(2) Title IV of the Homeland Security Act of 2002 (Public Law 107–273) also transferred to the new Department the United States Customs Service, as a distinct entity within the new Department, to further the Department's border integrity mission.

(3) Utilizing its reorganization authority provided in the Homeland Security Act of 2002, the President submitted a reorganization plan for the Department on January 30, 2003.

(4) This plan merged the customs and immigration border inspection and patrol functions, along with agricultural inspections functions, into a new entity called United States Customs and Border Protection.

(5) The plan also combined the customs and immigration enforcement agents, as well as the Office of Detention and Removal Operations, the Office of Federal Protective Service, the Office of Federal Air Marshal Service, and the Office of Intelligence, into another new entity called United States Immigration and Customs Enforcement.

(6) The President's January 30, 2003, reorganization plan did not explain the reasons for separating immigration inspection and border patrol functions from other immigration-related enforcement functions, or to combine immigration-related enforcement functions with customs and other functions, contrary to the design of the Bureau of Border Security as prescribed by the Congress in section 442 of the Homeland Security Act of 2002.

(7) United States Immigration and Customs Enforcement has faced major budgetary challenges that are, in part, attributable to the inexact division of resources upon the separation of immigration functions. These budget shortfalls have forced United States Immigration and Customs Enforcement to impose hiring freezes and to release aliens that otherwise should be detained.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall review and evaluate the current organizational structure of the Department of Homeland Security established by the President's January 30, 2003, reorganization plan and submit a report of findings and recommendations to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).

(2) CONTENTS OF REPORT.—The report shall include—

(A) a description of the rationale for, and any benefits of, the current organizational division of United States Immigration and Customs Enforcement and United States Customs and Border Protection, with respect to the Department's immigration and customs missions;

(B) a description of the organization, missions, operations, and policies of United States Customs and Border Protection and United States Immigration and Customs Enforcement, and areas of unnecessary overlap or operational gaps among and between these missions;

(C) a description of the rationale for, and any benefits of, the current organizational combination of immigration-related enforcement functions with customs and other functions;

(D) an analysis of alternative organizational structures that could provide a more effective way to deliver maximum efficiencies and mission success;

(E) a description of the current role of the Directorate of Border and Transportation Security with respect to providing adequate direction and oversight of the two agencies, and whether this management structure is still necessary;

(F) an analysis of whether the Federal Air Marshals and the Federal Protective Service are properly located within the Department within United States Immigration and Customs Enforcement;

(G) the proper placement and functions of a specialized investigative and patrol unit operating at the southwest border on the Tohono O'odham Nation, known as the Shadow Wolves;

(H) the potential costs of reorganization, including financial, programmatic, and other costs, to the Department; and

(I) recommendations for correcting the operational and administrative problems that have been caused by the division of United States Custom and Border Protection and United States Immigration and Customs Enforcement and by the combination of immigration-related enforcement functions with customs and other functions in both entities, including any appropriate reorganization plans.

SEC. 502. GAO REPORT TO CONGRESS.

(a) IN GENERAL.— Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report that sets forth—

(1) an assessment of the effectiveness of the organizational and management structure of the Department of Homeland Security in meeting the Department's missions as set forth in section 101(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)); and

(2) recommendations to facilitate and improve the organization and management of the Department to best meet those missions.

(b) CYBERSECURITY ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) that sets forth an assessment of the effectiveness of the efforts of the Assistant Secretary for Cybersecurity to fulfill the statutory responsibilities of that office.

SEC. 503. PLAN TO REDUCE WAIT TIMES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a plan—

(1) to improve the operational efficiency of security screening checkpoints at commercial service airports so that average peak waiting periods at such checkpoints do not exceed 20 minutes; and

(2) to ensure that there are no significant disparities in immigration and customs passenger processing times among airports that serve as international gateways.

SEC. 504. DENIAL OF TRANSPORTATION SECURITY CARD.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period ''before an administrative law judge''; and

(2) by adding at the end the following:

''(5) In making a determination under paragraph (1)(D) that an individual poses a terrorism security risk, the Secretary shall not solely consider a felony conviction if—

''(A) that felony occurred more than 7 years prior to the date of the Secretary's determination; and

''(B) the felony was not related to terrorism (as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).''.

SEC. 505. TRANSFER OF EXISTING CUSTOMS PATROL OFFICERS UNIT AND ESTABLISHMENT OF NEW CPO UNITS IN THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) TRANSFER OF EXISTING UNIT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transfer to the Bureau of Immigration and Customs Enforcement all functions (including the personnel, assets, and obligations held by or available in connection with such functions) of the Customs Patrol Officers unit of the Bureau of Customs and Border Protection operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit).

(b) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish within the Bureau of Immigration and Customs Enforcement additional units of Customs Patrol Officers in accordance with this section.

(c) DUTIES.—The Customs Patrol Officer unit transferred pursuant to subsection (a) and the additional units established pursuant to subsection (b) shall be responsible for the prevention of the smuggling of narcotics, weapons of mass destruction, and other contraband, and the illegal trafficking of persons, on Indian lands.

(d) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this section shall receive equivalent pay as a special agent with similar competencies within the Bureau of Immigration and Customs Enforcement pursuant to the Department of Homeland Security's human resources management system established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(e) SUPERVISORS.—Each unit described under this section shall be supervised by a Chief Customs Patrol Officer, who shall have the same rank as a resident agent-in-charge of the Office of Investigations.

SEC. 506. DATA COLLECTION ON USE OF IMMIGRATION CONSULTANTS.

The Secretary of Homeland Security shall establish procedures to record information on applications for an immigration benefit submitted by an alien with respect to which—

(1) the alien states that the alien used the services of an immigration consultant; or

(2) a Department employee or official investigating facts alleged in the application, or adjudicating the application, suspects that the alien used the services of an immigration consultant.

SEC. 507. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

The Homeland Security Act of 2002 is amended——

(1) in section 801—

(A) in the section heading, by striking ''**STATE AND LOCAL**'' and inserting ''**STATE, LOCAL, AND TRIBAL**'';

(B) in subsection (a), by striking ''State and Local'' and inserting ''State, Local, and Tribal''; and

(C) in subsection (b), by striking ''State and local'' each place it appears and inserting ''State, local, and tribal''; and

(2) in section 1(b) in the table of contents by striking the item relating to section 801 and inserting the following:

''Sec. 801. Office for State, Local, and Tribal Government Coordination.''.

SEC. 508. AUTHORITY OF OTHER FEDERAL AGENCIES UNAFFECTED.

Except to the extent explicitly provided in section 216, nothing in this Act shall affect the authority under statute, regulation, or Executive order of other Federal agencies than the Department of Homeland Security.

The Acting CHAIRMAN. No amendment to that amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 109–84.

AMENDMENT NO. 1 OFFERED BY MR. MEEK OF FLORIDA

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. MEEK of Florida:

Page 7, after line 6, insert the following new section:

SEC. 109. AUTHORIZATION FOR OFFICE OF INSPECTOR GENERAL.

Of the amount authorized under section 101, there is authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security for fiscal year 2006, $200,000,000.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Florida (Mr. MEEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MEEK).

(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is an amendment that will increase the amount of funding to the Department of Homeland Security Inspector General's office by $200 million.

Mr. Chairman, this is so very, very important due to the fact that the Department of Homeland Security is the largest agency in the world right now, not only the Federal Government. It has 22 legacy agencies that had problems before the Department of Homeland Security was created. If it were not for the fact that they are in charge, this Department is in charge of protecting the homeland and making sure that all of the 9/11 Commission recommendations are implemented properly and also making sure that they protect our borders and our airways.

The inspector general really needs the additional funding and staffing to be able to keep up with the growing Department of Homeland Security. The spending on contracts alone was $6.1 billion in 2004, and in 2005 it moved up to $10.9 billion. That is a 40 percent increase in 1 year. It is literally impossible for the Inspector General's office to keep up not only with the policing of the Department but to ensure that the mission's integrity is followed through on.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I now rise in strong support of the amendment offered by the gentleman from Florida (Mr. MEEK), my Homeland Security Committee colleague, the ranking member on the Management, Integration and Oversight Subcommittee.

Mr. Chairman, we have heard testimony time and time again on our committee about the underfunding of the office of Inspector General. We had committee testimony from three Inspector Generals indicating that the office was underfunded.

Just to show you what they found in recent reviews, we found that the Department spent $31,000 on rubber plants. We also found that they spent $500,000 on an awards ceremony. Clearly these expenditures are out of line and should not have been.

Testimony also revealed that had we had a more robust Office of Inspector General, we could do more oversight. So the gentleman from Florida's (Mr. MEEK) amendment is in order. It is something that we should do. If we look at other agencies, this Department is woefully underfunded. And for that reason I rise in support of the amendment.

Mr. COX. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, first I want to compliment the gentleman from Florida (Mr. MEEK), who is a very able and well-informed Member of the committee and serves as the ranking member on the committee on oversight, which has particular responsibilities in this area. I support his view of the importance of the Inspector General's function inside the Department of Homeland Security and of the mission of fighting waste, fraud, and abuse in the Federal Government, and specifically in the Department of Homeland Security, because it is a critical mission.

The reason, however, that I cannot support the amendment is different than what I have just said. I agree with the gentleman from Florida (Mr. MEEK) about the Inspector General's function and fighting waste, fraud, and abuse. First, I cannot support it because the authorization of $200 million, which is a tripling of the current budget, has no offset. It is therefore a budget buster.

As I stated in general debate, what has characterized our efforts on the underlying bill is that we are operating within the parameters of the House-passed budget, and specifically the allocation for the overall Department of Homeland Security of $32 billion.

When we make changes in the priorities in the bill by doing something else that is good, we have got to find somewhere to take the money from, and this amendment simply does not do it. It pulls the money from thin air.

Second, the new level of funding that this would establish, the enormous increase from $83 million at present to $200 million, would create an IG office and staff and administration virtually identical in size to that which exists in the largest Cabinet Department, the Department of Defense, even though DOD's budget and empire and responsibilities are 10 times larger than the Department of Homeland Security. So there is a problem of scale.

Third, not withstanding the testimony, correctly cited by my colleague, the gentleman from Mississippi (Mr. THOMPSON), of former IGs about their experience and their need for more staff, the current IG has more staff.

The staffing level of the Office of Inspector General already has grown significantly over the last 3 years from 475 full-time employees in fiscal year 2004, to 502 in fiscal 2005, to 540 in fiscal year 2006.

And for that reason, neither the administration nor the Inspector General himself has asked for this increase that is before us in this amendment.

For all of these reasons, I regretfully oppose the amendment offered by the gentleman from Florida (Mr. MEEK).

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

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am glad that the chairman pointed out the good points about this amendment and also maybe pointed out a few other issues as it relates to the budget issue.

This is the Homeland Security Authorization bill, not the appropriations bill. We are authorizing the Department, hopefully, to be able to move towards this $200 million to be able to take care of some of the issues that we hear about and read about in newspapers daily, about mismanagement, about contractors not following through on their obligation to the Federal Government.

I mean, it is not fine if it was just wasteful spending, but this is the protection of the homeland. And when we look at accountability and protection, I think it is important that we move in this direction.

I would also like to argue the fact that the Government Accountability Office, in report after report of issues and unmet mandates by the Department, reports by the Department to help this Congress make wise decisions are backlogged in the hundreds. And I think it is important that we as the oversight committee do as much as we can to bring about the kind of accountability that the American people deserve and that this Congress hopes to get.

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

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

Mr. Chairman, I simply want to commend the gentleman from Florida for his leadership on oversight and investigation. I will commit to continuing to work with him on the full committee and to make sure that the IG gets the resources that he needs.

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

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just close by saying that this amendment is just a simple accountability amendment. Yes, I know it mirrors the Department of Defense. But the Department of Defense has the duty to protect not only Americans but also make sure that our men and women that are in harm's way are protected.

The Department of Homeland Security has a similar responsibility of making sure that we protect the homeland and make America safe and sound for future generations.

So, Mr. Chairman, I would urge the Members to vote in the affirmative for this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

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

Mr. MEEK of Florida. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 2 printed in part B of House Report 109–84.

AMENDMENT NO. 2 OFFERED BY MR. COX

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. COX:

Page 7, after line 6, insert the following (and amend the table of contents accordingly):

SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING OF STATE AND LOCAL PERSONNEL PERFORMING IMMIGRATION FUNCTIONS.

(a) IN GENERAL.—To carry out subsection (b), from amounts authorized under section 101, there are authorized to be appropriated $40,000,000 for fiscal year 2006, to remain available until September 30, 2007.

(b) USE OF FUNDS.—From amounts made available under subsection (a), the Secretary of Homeland Security may reimburse a State or political subdivision for the expenses described in subsection (d).

(c) ELIGIBLE RECIPIENTS.—A State, or a political subdivision of a State, is eligible for reimbursement under subsection (b) if the State or political subdivision—

(1) has entered into a written agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) under which certain officers or employees of the State or subdivision may be authorized to perform certain functions of an immigration officer; and

(2) desires such officers or employees to receive training from the Department of Homeland Security in relation to such functions.

(d) EXPENSES.—The expenses described in this subsection are actual and necessary expenses incurred by the State or political subdivision in order to permit the training described in subsection (c)(2) to take place, including expenses such as the following:

(1) Costs of travel and transportation to locations where training is provided, including mileage and related allowances for the use of a privately owned automobile.

(2) Subsistence consisting of lodging, meals, and other necessary expenses for the personal sustenance and comfort of a person required to travel away from the person's regular post of duty in order to participate in the training.

(3) A per diem allowance paid instead of actual expenses for subsistence and fees or tips to porters and stewards.

(4) Costs of securing temporary replacements for personnel traveling to, and participating in, the training.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes.

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

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

Mr. Chairman, I rise in support of the amendment. I want to take this opportunity to thank the chairman of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) with whom I am offering this amendment.

Our amendment will authorize funds to reimburse States for training costs that they incur if they voluntarily participate in the training of their law enforcement agents for the purposes of enforcing our Nation's immigration laws.

In 1996, I authored section 133 of the Illegal Immigration Reform and Immigrant Responsibility Act. That section is now codified as section 287(G) of the INA. It provided and continues to provide as a piece of our permanent legislation local and State law enforcement officers with the option of being trained and deputized by the Federal Government so that they can assist with the enforcement of our immigration laws in the pursuit of their normal duties of protecting citizens from crime.

Over the last 8 years, slowly but surely, we have learned how to use this facility so that the Department has entered into several memoranda of understanding, for example, with the State

of Florida in September 2002, the State of Alabama in September of 2003, and very recently the County of Los Angeles in pursuit of specific authorization by the elected officials of the County of Los Angeles in February of 2005.

So the reason that we are offering this amendment today is that inasmuch as this is a purely voluntary program, offering aid to State and local law enforcement that wants it that is asking for it and is volunteering for it, they should be reimbursed for their costs as first responders of helping us enforce Federal law and achieving the national mission of protecting our borders.

We need to capitalize on existing law enforcement resources by ensuring that State and local law enforcement have the opportunity to receive this training that will help them to protect their local communities.

In turn, those enforcement efforts will help protect the Nation from threats of terrorism. I want to emphasize just a few things. First, this amendment does not alter the fundamental voluntary nature of the participation of States and Federal Government. So no State and no subdivision of the State that does not wish in any way to be involved in the enforcement of our immigration laws will be required to do so, either under existing law or under this fund provision.

Second, the purpose of the law, of the training, and of the reimbursement is to focus on crime and on people who are not only unlawfully in this country but who are committing other crimes, in particular felonies.

Third, the training that is provided by the Federal Government specifically includes training in the areas of civil rights and the prevention of profiling.

□ 1345

I want to reiterate that this amendment does not change or alter any authority that already exists in law. It merely provides funding for States for their first responders who should be reimbursed for this training.

I fully support this program, and I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I encourage Members to vote ''no'' on the Cox-Sensenbrenner amendment authorizing $40 million to be appropriated from the fiscal year 2006 budget to reimburse States and locals for the costs associated with having State and local law enforcement trained and certified by DHS' Immigration and Customs Enforcement to enforce immigration laws.

Mr. Chairman, plain and simple, we are shirking our responsibility as a government by passing this mission on to local authority. If we have the responsibility for immigration and immigration enforcement, we should do our job. We should appropriate the money to the respective department, whatever the requirements are, rather than passing the buck to local law enforcement. Local law enforcement clearly will tell my colleagues we have enough on our plate now, do not give us further responsibility by giving us immigration.

So, Mr. Chairman, while I understand my colleague's reasoning behind the amendment, it is clearly something that allows us to put this responsibility on someone else.

I guarantee my colleagues, when we do this, it will come with another program in the not-too-distant future. We will give other responsibilities to the local level.

I am a former mayor and a former county supervisor. Knowing law enforcement at the personal level, I am convinced that we have more than enough to do at the local level. The Federal Government should do what it is required to do on immigration. Let us not pass the buck. Let us make sure that we take the immigration responsibility and retain it at the Federal level.

That is why I urge a ''no'' vote on this amendment.

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

Mr. COX. Mr. Chairman, as my colleagues know, this amendment is offered jointly by myself as chairman of the Committee on Homeland Security and the gentleman from Wisconsin (Mr. SENSENBRENNER) as chairman of the Committee on the Judiciary. I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman, and particularly the gentleman from California (Chairman COX) for yielding me time and for working and participating on this amendment.

I rise today in support of the Cox-Sensenbrenner amendment which authorizes funding to train State and local law enforcement officers to perform immigration officer functions.

I submitted a nearly identical amendment to the Committee on Rules because I believe this amendment provides the help our local law enforcement needs to enforce our Nation's immigration laws and keep our citizens safe. I am proud to stand today with the gentleman from Wisconsin (Mr. SENSENBRENNER), my chairman, and the author of the underlying bill, the gentleman from California (Mr. COX), the Committee on Homeland Security chairman, to urge my colleagues to support this funding.

Under section 287(g) of the Immigration and Nationality Act, State and local governments can enter into cooperative agreements with the Department of Homeland Security to train on Federal immigration law and be reimbursed for that training. This amendment would authorize the funds needed for that reimbursement for States all across this Nation.

There are two reasons to encourage local police to assist in enforcing immigration laws. First, while there are an estimated 8 to 10 million illegal aliens in the United States, ICE currently has only about 2,000 special agents to identify and remove them. Second, local officers come into contact with many of those illegal aliens, especially criminal aliens, daily in performing their duties. So it is a practical marriage.

The House Committee on the Judiciary has promoted and supported local immigration enforcement since section 287(g) was added to the INA in 1996. In January of 2002, the Committee on the Judiciary pressed the Attorney General to accept local assistance in enforcing the immigration laws. As the then-Immigration Subcommittee chairman stated, ''In light of the tragic events of September 11, 2001, and the growing problem of illegal immigration into the United States, this is perhaps the most pressing time for the Department of Justice to consider utilizing the power'' conveyed under section 287(g).

The Federal Government subsequently authorized officers to perform immigration enforcement functions with Florida and Alabama.

The Committee on the Judiciary has revisited this issue in evaluating interior immigration enforcement, in examining sanctuary policies in a number of major cities, and in assessing the inherent authority of local police to enforce the immigration laws.

This amendment is an improvement over a narrow provision struck from H.R. 1817 during the markup of the legislation on May 12. That narrowly tailored provision applied only to States with a location 30 miles from a border or coastline. In order to truly protect our citizens from those who have entered our country illegally to do them harm, this policy must be applied nationwide.

As an April 2005 Subcommittee on Immigration, Border Security, and Claims hearing revealed, alien gang violence has followed immigration patterns from the ports and borders into the communities of the interior United States. Similarly, new reports indicate that local police far from the nearest national border confront alien criminals and smugglers on a daily basis.

So in summary, Mr. Chairman, I appreciate the opportunity to speak in support of this amendment that addresses the necessary cooperation between local law enforcement, both local and State, and the Federal educational support so that we can build that level of cooperation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time for closing.

Mr. COX. Mr. Chairman, may I inquire how much time remains on this side?

The Acting CHAIRMAN (Mr. COLE of Oklahoma). The gentleman from California (Mr. COX) has 3½ minutes remaining.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I rise in strong support of the Cox-Sensenbrenner amendment.

I would like to associate myself with the comments of the gentleman from California (Chairman COX) and agree this proposal would help local law enforcement better enforce our Nation's immigration laws.

Two years ago, 21 Alabama State troopers completed ICE's Federal 5-week training course. Since that time, these State troopers have detained 128 illegal aliens as a result of routine traffic stops. For example, this January of 2004, two individuals were stopped by an Alabama State trooper for a traffic violation. Because the trooper was trained on how to spot false immigration documents, the two were detained. In the course of the investigation, the men were found guilty of attempting to smuggle over $435,000 in U.S. currency out of the country.

Likewise, in March of this year, two other individuals were stopped by an Alabama State trooper for a traffic violation. The driver identified was in possession of a U.S. passport, and the passenger was identified as a citizen of Mexico illegally present in the United States. A consensual search of the vehicle found nine firearms and ammunition hidden under the bed liner of the truck. Both were taken into ICE's custody for prosecution.

It is important to note that all officers enrolled in this program received extensive training in cultural sensitivity and civil rights procedure.

Contrary to the fears of the program's opponents, ICE has received no complaints of intimidation, harassment or profiling. In fact, Alabama law enforcement officials have reached out to its immigrant community to help educate them on the law.

Overall, the program is an essential force multiplier and helps ICE officials better enforce our Nation's immigration laws.

I would also like to recognize the work of the gentleman from Texas (Mr. MCCAUL), a member of our committee, and all that he has done on this committee.

I thank the chairman for his leadership, and I ask for the House's support of this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on Homeland Security.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Mississippi for yielding me time.

I rise to acknowledge the good intentions of the effort offered by the proponent of this amendment, but I also raise a number of red flags that are not answered by this amendment. In fact, it creates a whole new obligation for the Federal Government that does not address the Federal Government's responsibility for immigration enforcement and reform.

Frankly, I wish we were debating $40 million plus and more to fully fund the first responders bill or the first responders efforts to ensure that fire persons and police persons are fully funded for the work that they have to do to secure the homeland.

I would prefer an amendment that would fully fund the 2,000 plus every year border security protection agents that the 9/11 Commission recommended.

I would prefer this amendment to support the 800 a year ICE agents, the Immigration and Customs Enforcement officers who are at a measly 123 per year and do not have full complement to do their work.

All this amendment does is to set up an incentive that will not last and to get local communities dependent upon resources and place them in the line of fire to be doing the enforcement of immigration laws that the Federal Government should actually be doing. This gives them the false hope of memorandums of understanding that year after year will not be fully funded.

I am delighted that we are having this debate. At least we separate from the other body that wants to shut down the democratic process of debate by eliminating the filibuster. I will not do that today, but I think that we have an opportunity here to put forward a homeland security legislative initiative that really responds to the needs of enforcing immigration.

Authorizing funding, as I indicated, would be a deceptive encouragement to States to enter into MOUs. The history of the State Criminal Alien Assistance Program, however, makes it clear that such funding is unlikely. That program was established by Congress to reimburse State and local governments for costs incurred when incarcerating undocumented aliens convicted of crimes.

According to the National Association of Counties, State and local governments receive just 40 cents for every dollar they spend housing and processing such inmates. Meaning, Mr. Chairman, it has not worked.

I see the very same pathway for this limited funding. Really, what we should be doing is giving the States $100 million plus that we have now burdened them with in the unfunded mandate of the REAL ID bill. That bill, that is not funded, is going to create the greatest amount of havoc for untrained individuals dealing with this. It is not the law enforcement officers' ground. It is the Department of Public Safety that is going to have to characterize and create something we call a national ID card.

It also creates a false sense of public safety and it harms public safety. The false promise of funding would encourage some agencies to enter into MOUs, but expanded State and local enforcement of Federal immigration laws would harm public safety.

When police become immigration agents, the trust and confidence of immigrants and their communities are shaken. Word spreads like wildfire, and those very same immigrants, legal and nonlegal, if you will, will stifle, cut out the work of helping local law enforcement solve crime. We know that immigrants, documented and undocumented, are preyed upon, are victims, and they are victims and they are fearful, and they are in the midst of crimes being perpetrated against them and their neighbors. They have the answers and they will not give the answers and we will not solve crime in many of our communities because they believe that the local law enforcement is there to harm them and not there to help them.

I believe one frustration they run into is the fact that the Department of Homeland Security does not always respond to the request for assistance when people are believed to be undocumented. That is really where our problem is.

The other problem I might say is that when they arrest these individuals, we do not have the adjudicators to process them. So there is an enormous backlog. I tried on the floor of the House to offer an appropriations increase to get us 300 adjudicators, an amendment of myself and the gentleman from Michigan (Mr. CONYERS). That did not prevail. So, in actuality, this is a false effort, giving $40 million with good intentions, but it really does nothing to help local law enforcement.

Let us fully fund them for the work they have to do, fully fund the immigration law enforcement for the work they have to do, and let us do our work as a Federal Government in securing the homeland and providing immigration enforcement.

Mr. Chairman, this amendment to the Department of Homeland Security Authorization bill would authorize Federal funding for State and local police agencies who enter into MOUs with ICe to enforce immigration laws.

Based on earlier versions of the amendment as it was proposed during committee consideration of the bill, it appears that only training costs would be reimbursed. Ongoing personnel and administrative costs incurred by law enforcement agencies that enter into MOUs would not.

This amendment is inadequate for a variety of reasons:

FALSE INCENTIVE

Authorizing funding would be a deceptive encouragement to States to enter into MOUs. The history of the State Criminal Alien Assistance Program (SCAAP), however, makes it clear that such funding is unlikely. SCAAP was established by Congress to reimburse State and local governments for costs incurred when incarcerating undocumented aliens convicted of crimes.

According to the National Association of Counties, State and local governments received just 40 cents for every dollar they spend housing and processing such inmates. Also, President Bush has consistently attempted to eliminate the program entirely in his annual budget requests.

If Congress and the White House do not support full funding to reimburse State and

local governments for costs incurred during criminal enforcement activities, it is highly unlikely that they will appropriate the monies needed to fund State and local agencies that engage in civil immigration law enforcement.

Not only is appropriation of this money less than certain, but the money covers a very small portion of the costs incurred by State and local agencies entering into MOUs. It does not fund ongoing salary and administrative costs for police as they take on new demands related to immigration enforcement. Indeed, if the drafters did want to appropriate this money, it would make more sense for them to fund hiring and training of additional Federal agents.

HARMS PUBLIC SAFETY

The false promise of funding would encourage some agencies to enter into MOUs. But expanded State and local enforcement of Federal immigration laws would harm public safety.

When police become immigration agents, the trust and confidence of immigrants and their communities are shaken. Word spreads like wildfire that any contact with police could mean deportation for themselves or their family members. Immigrants decline to report crimes or suspicious activity, and criminals see them as easy prey, making our streets less safe as a result.

Experience shows that this fear extends not only to contact with police, but also to the fire department, hospitals, and the public school system.

NOT THEIR ROLE

State and local law enforcement's priorities are and should be stopping, investigating, and punishing criminal activity. State and local police already have all the tools they need to work with Federal agencies, including ICE, on joint operations and investigations. They can also detain criminals who are also immigration law violators and contact ICE to come pick them up. They do this every day.

One frustration they run into is the fact that DHS doesn't always respond to their requests for assistance with people believed to be undocumented. DHS also has its priorities, and has focused first on terrorists and criminals. Undocumented workers fall further down the list. This amendment does nothing to ensure that agencies entering into MOUs will actually see responses from ICE as they come across people they think could be undocumented and attempt to sort it out.

Obviously the broken immigration system and lack of consistent enforcement cannot stand. But asking State and local police agencies to fill in where the Federal Government has failed is a cheap and false "solution."

NOT THE SOLUTION

The answer is not asking State and local governments to make up for the failures of the feds. The answer is modernizing the immigration system so that well-intentioned migrants can enter to work and reunite with their families legally. When the current undocumented population is brought out of the shadows for a proper vetting and gets on a path to legal status, our enforcement resources will be better trained on the smugglers and fake document rings, the drug runners and violent criminals, and the terrorists who might manipulate our system.

As President Bush said, once immigrants have legal papers, "Law enforcement will face fewer problems with undocumented workers, and will be better able to focus on the true threats to our Nation from criminals and terrorists. . . . Temporary workers will be able to establish their identities by obtaining the legal documents we all take for granted. And they will be able to talk openly to authorities, to report crimes when they are harmed, without the fear of being deported" (White House policy announcement, 01/07/2003).

These reforms are the real solution.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I thank the chairman for yielding me time and for his hard work on this amendment which is vital to assisting State and local law enforcement to participate in this very important program. I was proud to offer the base amendment at the committee level, along with my friend from Alabama.

An estimated 8- to 12 million undocumented aliens are here in the United States, and Border Patrol estimates that for every one that is apprehended at the border up to three others enter our Nation. In the post-9/11 world, these figures are no longer just an immigration problem but, rather, one of national security.

□ 1400

My experience on border security is that our Federal law enforcement officers are being stretched too thin and asked to do too much and need all the help available. With this amendment, State and local officers can be trained to be qualified to perform the essential functions of an immigration officer, including investigation, apprehension, and detention of not only undocumented aliens but potential criminals and terrorists.

The $40 million to States who qualify will serve as a needed force multiplier to our border patrol, border inspectors, and ICE investigators; and it is purely a voluntary program.

If we have learned anything from the tragedy of September 11, it is that we must work together. No longer can we afford the turf battles between State, Federal, and local law enforcement. As the head of the Joint Terrorism Task Force back in my State, the State of Texas, I can tell you that State and locals participate in the Joint Terrorism task forces. This will give them the tools and the training necessary to enforce not only our terrorist laws but the immigration laws that so often overlap into the Federal terrorist criminal penalties.

I urge my colleagues to support this amendment. It will bring law enforcement together in a unified front to protect our national security.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIRMAN (Mr. COLE of Oklahoma). The gentleman from Mississippi has 3½ minutes left on his side.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MEEK), a member of the committee.

Mr. MEEK of Florida. Mr. Chairman, we argued this amendment in committee, and I have some concerns about it because I used to be a State trooper in Florida. I know exactly what happens when we feel that we are doing something, but we are really not doing anything.

With all due respect to my colleagues on the other side and their hard work, which I join them in the theory of making sure that we reimburse local law enforcement agencies that have invested time in doing what is a Federal agency responsibility, but the 9/11 report called for more ICE officers, it called for more Custom border protection officers, and it called for a Federal agency, like the Department of Homeland Security, to have what it needs to carry out its duties.

I must point out to the Members at line 10 on this particular amendment, on the front page, page 7 here of the overall bill, it says that the Secretary of Homeland Security "may" reimburse State and political subdivisions for the expenses that are carried out in this subsection.

Now, I am going to tell you right now this is the kind of language, and I want to make sure the law enforcement communities understand this, that this is not a guaranteed reimbursement. We are not guaranteeing them that they are going to be reimbursed. So I want to make sure the Members understand that wholeheartedly.

I understand the intent of this amendment, but I believe that if we are going to run, let us run. If we are going to walk, let us walk. But let us not jog on an issue such as this. I believe that that language should say "shall" if we are going to come to the floor and say we are going to reimburse local subdivisions and State law enforcement agencies.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume in closing.

(Mr. THOMPSON of Mississippi asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Chairman, as I have already indicated from my opposition to this amendment, we are moving toward making States and localities assume a Federal responsibility. This is not in the best interest of homeland security. We have certain things as a Federal Government that we should do. Immigration protection is one of those items.

I understand from my chairman that he is interested in trying to help, but at some point we have to do our job. What we need to do is provide the resources to the Department to make sure that the Department can do its job, not pass the buck to another State.

You have heard from my colleague who used to be a State trooper who talks about the difficulties in crossing the lines. I ask my colleague to consider that, but I also ask opposition to the amendment.

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

The Acting CHAIRMAN (Mr. BONNER). All time has expired.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 109–84.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. KENNEDY of Rhode Island:

At the end of the matter proposed to be added as section 205 of the Homeland Security Act of 2002 by section 223(a)(2) of the bill strike the closing quotation marks and the final period and insert the following:

''(c) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with the Homeland Security Center of Excellence for Behavioral and Social Research on Terrorism and Counter-Terrorism and with such other academic research centers with expertise in risk communications as the Under Secretary considers appropriate.''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself such time as I may consume.

Terrorism is a psychological warfare. Terrorists try to manipulate us and change our behavior by creating fear, uncertainty, and division in society. To succeed, the terrorists do not necessarily need to land an attack. Threats of an attack and failed attacks can still create fear, uncertainty, and division; and that is the terrorists' goal.

The key battleground in the war on terrorism, therefore, is in the minds of the American public. And how the government communicates about homeland security is central to how the public responds. I would argue that the communications record of the Department of Homeland Security has been an abysmal failure. The duct tape and plastic sheeting fiasco speaks for itself. The color-coded system does not work well and has undermined the Department's credibility.

The gentleman from California (Mr. COX), chairman of the Committee on Homeland Security, and I have talked about this issue over the last year, and I know he is very concerned about it. I am grateful that the committee has instructed the Department of Homeland Security in this bill to fix the problems with the color-coded terror alert system.

As the bill requires, any terror alert system must give people and organizations some indication about what steps they must take to improve their own security and assist in the Nation's security. It also requires that the alert be targeted at specific populations or regions, when possible.

What we have now is a system that tells us to be scared. That is it. We do not find out any information about the nature of the threat. We have no idea what we can do to make ourselves more secure. And this kind of vague warning inadvertently plays to the hands of the terrorists who want us to be afraid.

On the other hand, the American public possesses a great resilience and strength, and good risk communication strategies can tap into and even amplify those assets. In other words, risk communications is crucial to homeland security because it can be the difference between hardening the target and making it more vulnerable.

I have been working on these issues for several years now, and I can tell you that there is a wealth of knowledge out there about how the government should communicate in emergencies about threats. This amendment would simply require that in replacing the inadequate system we have now, that the Department draw on this expertise and research in order to help the government in its risk communications.

In particular, I think it is critical that the Department consult with the Center of Excellence in Behavioral and Social Research in Terrorism and Counterterrorism, which is already funded by the Department. We are already paying for this research, and we should make sure it is realized.

I want to thank the chairman of the Committee on Homeland Security and the ranking member, the gentleman from Mississippi (Mr. THOMPSON), for agreeing to this amendment and for their leadership. I also want to extend special thanks to Dr. Mike Barnett from my office, who has been indispensable to me in crafting this legislation.

Mr. Chairman, I will just close by saying that this amendment is not controversial, it has no cost, and it is very simple: When it comes to homeland security, communications have a lasting impact. So let us make sure we get it right by tapping the best experts.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding; and if I might, I would like to speak first to the amendment that the gentleman has offered, and then we could engage in a colloquy on a second amendment.

So, Mr. Chairman, I rise therefore in support of the amendment offered by the gentleman from Rhode Island. As the gentleman observes, we have established in the Federal Government, through the Department of Homeland Security, the Homeland Security Center of Excellence for Behavioral and Social Research on Terrorism and Counterterrorism. This center, which is located in Maryland, was established by a $12 million grant from the Department of Homeland Security in January of this year.

This is the fourth Homeland Security Center of Excellence to be established. Its expertise lies precisely in this area, and it makes a good deal of sense to rely on this newly available expertise as we redesign the homeland security advisory system.

As the gentleman from Rhode Island points out, section 205 of the underlying bill, which we are amending, will already require redesign of that system to move from vague and general warnings to specific warnings that wherever possible are sector specific, industry specific and threat specific; regional in nature wherever possible.

We have to stop issuing vague warnings that only serve to alarm the general public, and we have to provide useful information to the category of people who receive the warning. Using the expertise of this center will accomplish both of these important objectives. And I am very glad that the gentleman from Rhode Island has worked with the staff on the committee to address some concerns with the original draft of the amendment so that we are now completely in accord on both the language and the wisdom of the proposal.

For all of those reasons, I am pleased to accept the amendment and urge my colleagues to vote in its support.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, as my colleague and I have just spoken on the importance of communications and risk communications, as you know, research shows that the more the public is brought into the terrorism planning and response, particularly through social networks like churches, unions, professional organizations, and business groups, as well as neighborhood associations, the more effective we can be at limiting the impacts of terrorist acts and terrorist threats.

Not only is the inherent resilience and the strength of the American public enhanced by participating, but the American public has a critical commonsense knowledge that the government agencies and community organizations need in order to develop plans that will protect as many people as possible.

For this reason, it is a high priority of mine, as it is of my colleagues, to better integrate the public into the planning at State, local, and Federal levels. Preparedness and response efforts are likely to be far less successful than they should be if we do not have a plan and a substantial public involvement in the process.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. COX. Mr. Chairman, although I am in support of the amendment, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, in closing, when the sarin gas attack happened in Japan, 90 percent of the people who went to the hospital had no infection or exposure to the sarin gas whatsoever. People died at the hospital because the medical teams were not able to attend to them because they were overwrought with people coming in and clogging up the hospital.

If we had a terrorist attack, the way the people respond is going to determine whether that attack is just a tragedy or whether that attack becomes an all-out disaster. And that is why risk communications are so important. That is why the chairman and I are trying to work to make sure that the Department of Homeland Security does better than it has thus far and does better than the plastic sheeting and duct tape, which they once recommended in the wake of a terrorist threat, in addition to the color-coded system, which has not proven to be very successful.

So I thank the chairman for his assistance in this matter.

Mr. COX. I yield myself the balance of my time, Mr. Chairman, and I would like to commend the gentleman from Rhode Island for his comments on and his commitment to this vitally important issue. I too am committed to citizen terrorism preparedness.

I agree that the Department of Homeland Security should make it a priority to engage the American public as partners in homeland security. It simply makes sense to encourage continued dialogue between the Department and its constituency, the American people.

□ 1415

The Department of Homeland Security has taken many important steps to foster just this kind of dialogue. For example, the Department administers the Citizen Corps Program which is specifically designed to improve civilian terrorism preparedness. In addition, the Department Science and Technology Directorate plans to establish a Center of Excellence on Domestic Preparedness and Response Capabilities. When established later this year, this center will engage in mission-oriented research to enhance citizen preparedness and improve citizen input into local, State and Federal preparedness and response efforts.

As chairman of the Committee on Homeland Security, I believe it would be prudent for the committee to hold hearings on the purpose and effectiveness of the Department's citizen terrorism preparedness programs. I also agree with the gentleman from Rhode Island (Mr. KENNEDY) that our government's preparedness is contingent upon actively and substantively engaging the citizens, and that that question must be part of our inquiry.

I look forward to working with the gentleman from Rhode Island (Mr. KENNEDY) as well as Members on both sides of the aisle on the Committee on Homeland Security as we examine this topic more closely. I think we all agree that citizen preparedness is simply too important to ignore.

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

The Acting CHAIRMAN (Mr. BONNER). The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 109–84.

AMENDMENT NO. 4 OFFERED BY MR. COX

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. COX:

In section 302(c), strike ''the Congress'' and insert ''the appropriate congressional committees''

In section 331, strike subsection (b) and insert the following:

(b) COORDINATION AND COOPERATION.—

(1) COORDINATION.—The Secretary shall coordinate the prioritization under this section with other relevant Federal agencies.

(2) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant State, local, and tribal governments, and the private sector, as appropriate.

In section 332, strike subsection (a) and insert the following:

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization developed under section 331;

(2) recommend changes to existing plans for securing such infrastructure, as the Secretary determines necessary; and

(3) coordinate and contribute to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate.

At the end of section 332, add the following new subsection:

(c) COORDINATION.—The Secretary shall coordinate the security review and recommendations required by subsection (a) with other relevant Federal agencies.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. COX) and a Member opposed each will control 5 minutes.

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

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON) to speak in support of the amendment which the gentleman offered to the Committee on Rules and was made in order under the rule.

Mr. BARTON of Texas. Mr. Chairman, I want to thank the distinguished chairman of the Committee on Homeland Security for offering my amendment when it would have been very easy for the gentleman to just let it go when I was not here, but being the gentleman he is, he did the honorable decent thing, and I appreciate that.

Mr. Chairman, let me say that the Dingell-Barton amendment that is before us right now makes a simple but important change to H.R. 1817, the Department of Homeland Security Authorization Act for Fiscal Year 2006. This bipartisan amendment enshrines a commitment made by the Committee on Homeland Security but which was inadvertently left out of the Cox manager's amendment.

There are two primary reasons that the Committee on Energy and Commerce, which I chair, decided to mark up H.R. 1817. First was the creation of Assistant Secretary for Cybersecurity at the Department of Homeland Security. The issue of cybersecurity is one that is core to the jurisdiction of the Committee on Energy and Commerce. Indeed, the committee has existing oversight on telecommunications, nuclear, energy and information networks, systems, facilities and equipment over which any cybersecurity attack would occur as well as the potential effects of cybersecurity incidents on our Nation's interstates and foreign commerce.

The other primary reason, and the one for which I am offering this amendment today, is to require, and I want to emphasize require, the Department of Homeland Security to coordinate with other relevant Federal agencies, especially as it pertains to the protection of critical infrastructure. Many of these Federal agencies are taking strong and innovative steps to protect the critical infrastructure they regulate, which is why it is so important for the Department of Homeland Security to closely coordinate with these agencies.

Unfortunately, the Committee on Homeland Security which had assured us that this particular language would be a part of the manager's amendment, did not get included, and I understand it was inadvertent. But because of that reason we have had to offer this as an amendment on the floor. It is my understanding that the gentleman from California (Mr. COX), the chairman of the committee, fully support this language, and I am not aware that anybody opposes it. I hope at the appropriate time we can pass this by voice vote and all Members voting aye.

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

Mr. Chairman, I rise to engage the chairman of the Committee on Energy and Commerce in a colloquy.

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

Mr. COX. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, there are a number of places in the manager's amendment to H.R. 11817

that refer to coordination efforts between the Department of Homeland Security with ''other relevant Federal agencies,'' specifically as it relates to protection of critical infrastructure and cybersecurity. I want to ask the distinguished chairman of the Committee on Homeland Security if those ''other relevant Federal agencies'' would include the departments and agencies under the jurisdiction of the Committee on Energy and Commerce, including the Department of Commerce, Department of Energy, Department of Health and Human Services, Federal Communications Commission, Federal Energy Regulatory Commission, Nuclear Regulatory Commission, Federal Trade Commission, National Information Agency, and the Environmental Protection Agency?

Mr. COX. Mr. Chairman, yes, I agree. Certainly in matters relating to cybersecurity and protection of critical infrastructure, the agencies the gentleman listed will be considered ''relevant Federal agencies.''

Mr. BARTON of Texas. I thank the gentleman for his explanation and look forward to working with him to ensure that all relevant Federal agencies have a role to play in homeland security. And although it is not a part of the colloquy, there may come a day when the gentleman from California is the chairman of the Committee on Energy and Commerce, and he will be very glad he answered yes to those questions.

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment for purposes of debate, although I do not oppose the amendment.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, for the record, I am in support of this amendment, as are the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL).

This amendment highlights the important need for the Secretary of the Department of Homeland Security to coordinate the prioritization of the Nation's critical infrastructure with other relevant Federal agencies. By requiring the Secretary to enter such partnerships, the Department of Homeland Security can draw upon the institutional expertise of a variety of agencies.

This is critical for completing an accurate, comprehensive and thorough assessment of terrorist threats to our country's critical infrastructure. Having seen the national asset database lists for Mississippi, I believe the Department needs as much help as it can get. Our Nation can no longer wait for an accurate prioritization of our most valuable asset. This is why I join my other colleagues and encourage Members to vote yes on this amendment.

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

The Acting CHAIRMAN. All time has expired.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109–84.

AMENDMENT NO. 5 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 50, after line 17, insert the following:

SEC. 310. NATIONAL MEDICAL PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary of Homeland Security shall make grants for the National Medical Preparedness Consortium to train emergency medical professionals to prepare for the mass casualties that would be caused by a terrorist event involving weapons of mass destruction.

(b) DESCRIPTION OF CONSORTIUM.—The Consortium referred to in subsection (a) is a consortium of institutions that—

(1) have existing facilities and experience in emergency medical training;

(2) have worked together for over 10 years on disaster medical training and mass casualty management;

(3) in 2004, established a national standard, known as the National Disaster Life Support curricula, for the medical treatment of mass casualties from terrorist events involving weapons of mass destruction; and

(4) have worked to implement throughout the United States training programs for medical professionals that use such standard.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there is authorized to be appropriated $5,000,000 for fiscal year 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself 5 minutes.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the ranking member as well as the chairman of the Committee on Homeland Security for coming forth with this legislation.

The objective of my amendment is very simple. This amendment attempts to promulgate a national standardization of emergency medical response training to events involving weapons of mass destruction.

The centerpiece of the National Medical Preparedness Consortium is its affiliation with the Center for Mass Destruction Defense, a CDC Center for Public Health Preparedness.

The Center For Mass Destruction Defense is the original developer of the National Disaster Life Support courses, Basic Disaster Life Support and Advanced Disaster Life Support, which provides an all-hazards approach to emergency medical services preparedness and are the only courses certified by the American Medical Association as national standards.

The Center for Mass Destruction Defense was also one of the founding members of the National Disaster Life Support Education Committee of the AMA, which oversees the development and current implementation of the basic and advanced disaster life support courses, as well as a cofounder of the National Medical Preparedness Consortium. The funding for the National Medical Disaster Consortium would come from the Office of Domestic Preparedness which would not exceed $5 million.

Since before the 9/11 attacks, great progress has been made in the level of training and preparedness for the first responders for terrorist attacks, including firefighters, police and other law enforcement personnel.

These first responders have been telling their trainers we really appreciate the training and preparedness, especially for large-scale attacks, but when are you going to start training the health care people? They are going to be real efficient about bringing these patients up to the emergency room, but what happens after they enter?

It is one of those strange disconnects. When we had 9/11, most of the people were killed and all we thought about was firemen and policemen. But we do not expect that everyone will be killed if we have another disaster. They will need emergency care, and that is where this comes in.

The physicians, nurses, hospitals, providers and other health care personnel have not been getting the widespread training in terrorist attacks that the firefighters, police and other first responders have gotten. There has been a variety of courses done here and there, but the vast majority of the health care personnel have not been trained and the ones that have received some training have received a real hodgepodge of courses of different course content, different quality, and even with strange disagreements between the courses.

As a trained, educated, degreed nurse myself, I can tell Members firsthand that in certain critical fields of medicine the professional community has come up with a national standard of training in order to get everybody on the same page because it is often important that nurses and physicians go from one end of the country to another when needed, just as firemen and policemen do, but they need to have a specific body of knowledge when they get there.

The two main examples were trauma care and cardiac care before we came up with a national standard for trauma care. Like car wrecks, people were getting different approaches in some places, and patients were dying from poor care.

□ 1430

The same was happening with cardiac care. Then we came up with advanced trauma life support, or ATLS, and advanced cardiac life support. These national standards revolutionized trauma and cardiac care around the Nation. I have taken both the ATLS and the ACLS myself and this is the way to go.

What we need now is a national standard for disaster care so that the medical community will be able to respond responsibly across the Nation. What we need is a national standard for advanced disaster life support. Well, there is an advanced disaster life support curriculum that has been developed by the CDC center known as the Center for Mass Destruction Defense, and this curriculum has been endorsed by the American Medical Association for a national standard for disaster medical care.

In addition to the AMA, a number of specialty medical organizations have also adopted the advanced disaster life support curriculum, such as the American College of Emergency Physicians. The advanced disaster life support and its sister courses, basic disaster life support and CDLS, have been presented in 35 States now which is a wider distribution for an all-hazards disaster medical curriculum than any other available.

I know that the opposition to this is that it did not come through the Committee on Energy and Commerce and there are some who think it has already been done. What I am attempting to do here is to put something in a standard for around the Nation so that all of the people involved will have a standard body of knowledge.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to know if I can depend on my colleague to help to get this in the right order so that we can still standardize this training around the Nation.

Mr. DEAL of Georgia. Yes, I can give the gentlewoman that assurance. I am sympathetic to the issue that she is concerned with. Our committee is more than willing to work with my colleague and her staff to try to coordinate that. We simply do not think that we ought to have grants that are duplicative of other programs that are there. For example, the Noble Training Center in Alabama, which I am sure the gentleman from Mississippi may be familiar with, has a specialized hospital that is engaged in training health professionals for this specific purpose. We simply think that we should coordinate the grants and that the Department of Health and Human Services is the appropriate agency to coordinate these grant programs.

If the gentlewoman would be so kind as to withdraw her amendment, I can assure her that I and the members of our Subcommittee on Health will be glad to work with her to try to achieve the goals that she has in mind with this amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman very much, and I will withdraw this amendment.

I would like to say, too, that the Bechtel, Nevada/National Nuclear Security Administration; the Dartmouth College Interactive Media Laboratory; Eastern Kentucky University; Hazard Community College of Kentucky; New Mexico Technical University; New York City Office of Chief Medical Examiner; Summerlin Medical Center, University Medical Center, Las Vegas; Tulane University Medical Center; University of Findlay, Ohio; University of Georgia/Medical College of Georgia; University of Louisville (Kentucky); University of Texas Southwest Medical School, which is in my district; Upper Iowa University; Vanderbilt University; and Western Michigan University along with about 30 emergency physicians that we have been collaborating with for the last 3 years.

Mr. Chairman, I withdraw the amendment.

The Acting CHAIRMAN (Mr. BONNER). Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 109–84.

AMENDMENT NO. 6 OFFERED BY MR. EHLERS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 6 offered by Mr. EHLERS:

At the end of subtitle A of title III, add the following (and conform the table of contents accordingly):

SEC. 310. COMMERCIAL FLIGHTS TO AND FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) PASSENGER SEATING REQUIREMENTS.—Passengers on commercial flights arriving at and departing from Ronald Reagan Washington National Airport shall remain seated for 15 minutes after takeoff from and before touchdown at that airport.

(b) VIOLATIONS.—If a passenger violates the requirements of subsection (a), the captain of the aircraft shall determine if the passenger's actions present a security threat to other passengers or the aircraft. Only if the captain determines that the passenger's actions present such a threat shall a flight be diverted to a destination other than Ronald Reagan Washington National Airport.

(c) REGULATIONS.—Notwithstanding subsection (a), the Secretary of Homeland Security may issue regulations to decrease the time limit set forth in subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

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

This is a very simple amendment. It would change the 30-minute rule that requires passengers on commercial flights into and out of Washington Reagan National Airport to remain seated for the first or last 30 minutes of the flight and for passengers to remain tightly in their seats and not even use the restroom facilities. I believe every Member of this House has experienced the nuisance of this rule. It simply does not make sense. It is an inconvenience to the traveler and does nothing to enhance flight security, particularly because there are two marshals aboard every plane into and out of Washington Reagan National Airport. My amendment would reduce the time in seat to 15 minutes, which should certainly be adequate. It would also permit the Secretary of Homeland Security to decrease the time even more. The amendment would also prohibit the pilot from diverting a flight from DCA for a violation of the seating rule unless he or she determines the passenger's actions to be a threat to the security of the other passengers or the aircraft.

There are several reasons for offering this amendment. We have already dramatically enhanced airport and airplane security since the time the rule was imposed. We have done this through several measures. First, improved passenger screening. Secondly, we have increased the number of in-flight Federal air marshals. Third, we have reinforced the cockpit doors. And, fourth, have authorized armed pilots in the cockpit.

Mr. Chairman, requiring DCA passengers to remain seated for 30 minutes when similar restrictions are not placed on passengers traveling to and from Dulles and BWI or any other airport does not make sense. Planes leaving DCA go past Dulles Airport in approximately 10 minutes, so under a 30-minute rule for DCA, should Dulles passengers not be forced to remain seated for 20 minutes on westbound flights and 40 minutes on eastbound flights? This rule just does not make sense, particularly since the incidents that already have taken place with hijacked airplanes were not from DCA but one of them, in fact, was from Dulles Airport.

I understand that our Nation's capital faces significant terrorist threats and boasts many important terrorist targets, but it is important to note that none of these flights that were hijacked on September 11 originated at DCA. LaGuardia does not have this

rule. JFK does not have the same rule, even though the attack occurred on New York.

Mr. Chairman, I fly into and out of Reagan airport every week. Several times on these flights I have heard snickering and jokes about the 30-minute rule. People know that this rule makes no sense, and the government is the butt of jokes about it. It is nonsense to have rules that are nonsensical, causes the government to lose the respect of the people. I have also seen people, particularly children and elderly, desperate to use the bathroom but unable to do so. This inconvenience is pointless.

I urge my colleagues to support this commonsense amendment.

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

The Acting CHAIRMAN. Does any Member seek recognition in opposition?

Mr. EHLERS. Mr. Chairman, I yield myself the balance of my time.

Silence in the Chamber represents approval in this particular case. I appreciate the incredible support I have received from my colleagues for this amendment since I offered it. I have instantly become popular for the first time in my congressional career. I appreciate the meaning of the silence that we have.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 109–84.

AMENDMENT NO. 7 OFFERED BY MR. DEFAZIO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. DEFAZIO:

At the end of subtitle A of title III, add the following (and conform the table of contents accordingly):

SEC. 310. FEDERAL FLIGHT DECK OFFICERS.

(a) TRAINING AND REQUALIFICATION TRAINING.—Section 44921(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) LOCATION OF TRAINING.—

''(A) STUDY.—The Secretary shall conduct a study of the feasibility of conducting Federal flight deck officer initial training at facilities located throughout the United States, including an analysis of any associated programmatic impacts to the Federal flight deck officer program.

''(B) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall transmit to Congress a report on the results of the study.

''(4) DATES OF TRAINING.—The Secretary shall ensure that a pilot who is eligible to receive Federal flight deck officer training is offered, to the maximum extent practicable, a choice of training dates and is provided at least 30 days advance notice of the dates.

''(5) TRAVEL TO TRAINING FACILITIES.—The Secretary shall establish a program to improve travel access to Federal flight deck officer training facilities through the use of charter flights or improved scheduled air carrier service.

''(6) REQUALIFICATION AND RECURRENT TRAINING.—

''(A) STANDARDS.—The Secretary shall establish qualification standards for facilities where Federal flight deck officers can receive requalification and recurrent training.

''(B) LOCATIONS.—The Secretary shall provide for requalification and recurrent training at geographically diverse facilities, including Federal, State, and local law enforcement and government facilities, and private training facilities that meet the qualification standards established under subparagraph (A).

''(7) COSTS OF TRAINING.—

''(A) IN GENERAL.—The Secretary shall provide Federal flight deck officer training, requalification training, and recurrent training to eligible pilots at no cost to the pilots or the air carriers that employ the pilots.

''(B) TRANSPORTATION AND EXPENSES.—The Secretary may provide travel expenses to a pilot receiving Federal flight deck officer training, requalification training, or recurrent training.

''(8) COMMUNICATIONS.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall establish a secure means for personnel of the Transportation Security Administration to communicate with Federal flight deck officers, and for Federal flight deck officers to communicate with each other, in support of the mission of such officers. Such means of communication may include a secure Internet website.

''(9) ISSUANCE OF BADGES.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue badges to Federal flight deck officers.''.

(b) REVOCATION OF DEPUTIZATION OF PILOT AS FEDERAL FLIGHT DECK OFFICER.—Section 44921(d)(4) of title 49, United States Code, is amended to read as follows:

''(4) REVOCATION.—

''(A) ORDERS.—The Assistant Secretary of Homeland Security (Transportation Security Administration) may issue, for good cause, an order revoking the deputization of a Federal flight deck officer under this section. The order shall include the specific reasons for the revocation.

''(B) HEARINGS.—An individual who is adversely affected by an order of the Assistant Secretary under subparagraph (A) is entitled to a hearing on the record. When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Assistant Secretary.

''(C) APPEALS.—An appeal from a decision of an administrative law judge as a result of a hearing under subparagraph (B) shall be made to the Secretary or the Secretary's designee.

''(D) JUDICIAL REVIEW OF A FINAL ORDER.—The determination and order of the Secretary revoking the deputization of a Federal flight deck officer under this section shall be final and conclusive unless the individual against whom such an order is issued files an application for judicial review under subchapter II of chapter 5 of title 5 (popularly known as the Administrative Procedure Act) within 60 days of entry of such order in the appropriate United States court of appeals.''.

(c) FEDERAL FLIGHT DECK OFFICER FIREARM CARRIAGE PILOT PROGRAM.—Section 44921(f) of title 49, United States Code, is amended by adding at the end the following:

''(4) PILOT PROGRAM.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall implement a pilot program to allow pilots participating in the Federal flight deck officer program to transport their firearms on their persons. The Secretary may prescribe any training, equipment, or procedures that the Secretary determines necessary to ensure safety and maximize weapon retention.

''(B) REVIEW.—Not later than 1 year after the date of initiation of the pilot program, the Secretary shall conduct a review of the safety record of the pilot program and transmit a report on the results of the review to Congress.

''(C) OPTION.—If the Secretary as part of the review under subparagraph (B) determines that the safety level obtained under the pilot program is comparable to the safety level determined under existing methods of pilots carrying firearms on aircraft, the Secretary shall allow all pilots participating in the Federal flight deck officer program the option of carrying their firearm on their person subject to such requirements as the Secretary determines appropriate.''.

(d) FEDERAL FLIGHT DECK OFFICERS ON INTERNATIONAL FLIGHTS.—

(1) AGREEMENTS WITH FOREIGN GOVERNMENTS.—The President is encouraged to pursue aggressively agreements with foreign governments to allow maximum deployment of Federal flight deck officers on international flights.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the President (or the President's designee) shall submit to Congress a report on the status of the President's efforts to allow maximum deployment of Federal flight deck officers on international flights.

(e) REFERENCES TO UNDER SECRETARY.—Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security'';

(2) by striking ''Under Secretary'' each place it appears and inserting ''Secretary''; and

(3) by striking ''Under Secretary's'' each place it appears and inserting ''Secretary's''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

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

This amendment which I am offering with the gentleman from Florida (Mr. MICA) of the Subcommittee on Aviation would make a good program even better, the Federal flight deck officer program, the last line of defense on the plane. Arming the pilots on the flight deck makes a tremendous amount of sense. There cannot be an air marshal on every plane, planes lack secondary barriers, and on longer flights pilots have to frequently open the door to receive food or use the facilities. If a terrorist attack or attempt should occur, knowing that the pilots are armed could provide the critical thing to save the passengers on that flight.

This amendment has the strong support of the Airline Pilots Association—I have a letter here—the National Rifle Association and others. This would

make a number of changes. They would be issued badges which they do not currently have and they sometimes have a hard time convincing people they are authorized to have a gun and they are a Federal law enforcement officer for purposes of aviation. It would give them an appeals process for revocation of their certification. It would look toward making the training more accessible for people, particularly the recertification, although the facility we are using now is an excellent facility but we want to be certain that because of distance or time that more pilots are not precluded from becoming volunteers and providing this critical defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding time. Hopefully that 2 minutes will be sufficient to deal with this amendment.

Mr. Chairman, this amendment does make a successful program even more successful. Sometimes that is hard to find in government agencies and activities and it is also sometimes hard to find in the incredible amount of dollars that we spend for homeland security. This takes a program that was opposed by the airlines, somewhat by the administration, by the other body, by some Members on both sides of the aisle and actually takes a program that gives us a last line of defense, an additional layer. This is in addition to the air marshals. This is in addition to secured cockpit doors and other improvements that we have put in place.

These individuals involved in this, the pilots, I have nothing but the greatest praise for their going forward in a long training program, it takes a full week, going practically to the end of the earth. I went out there with the gentleman from New Mexico (Mr. PEARCE), he represents Albuquerque, and then we went to Roswell, which is 2 or 3 hours to the south. I said, are we there yet? He said, no, tomorrow I'm taking you to the end of the earth which is where they have put this program.

I cannot tell you how many pilots have participated in this, both commercial passenger and cargo. It will exceed the number of air marshals that we have in this fine program. This does some things in helping them access recurrent training that is required, improves communications and gives them safe weapons carriage. It is a great program. They are great, dedicated Americans and pilots involved in this program and this enhances a very successful back line of defense for aviation security.

I commend the gentleman from Oregon, the former ranking member of our subcommittee, for his efforts.

Mr. DEFAZIO. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in support of this amendment. It is a commonsense amendment. We have to do all we can to protect the flying public. As has already been said, our pilots are the last line of defense to protect the flying public. By training them with this program and providing all of the necessary background checks, there is no excuse for not making this program successful. I compliment the gentleman from Florida (Mr. MICA) and join the gentleman from Oregon (Mr. DEFAZIO) in support of this amendment, and I look forward to its passage.

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

The amendment was agreed to.

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The Acting CHAIRMAN (Mr. BONNER). It is now in order to consider amendment No. 8 printed in part B of House Report 109–84.

AMENDMENT NO. 8 OFFERED BY MR. CARDIN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. CARDIN:

Page 55, line 15, after ''Research Projects Agency,'' insert the following: ''the Information Assurance Directorate of the National Security Agency,''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

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

Mr. Chairman, by way of brief background, this legislation creates an Assistant Secretary for Cybersecurity, a much-needed high-level position in the Department of Homeland Security. We need one person in our government to serve as the point person on cyber security issues.

The legislation also tasks the Under Secretary for Science and Technology with support, research, and development, including long-term research, into cybersecurity issues with a particular focus on preventing and responding to large-scale, high-impact attacks.

This bill would require the Under Secretary to coordinate their activities with the Assistant Secretary for Cybersecurity and three other named agencies: NSF, DARPA, and NIST. My amendment would bring to the table one agency in addition, which would be the National Security Agency, or NSA. NSA is most well known for its signals intelligence and interception of messages. However, NSA has a long and distinguished history of working in the field of information assistance. Indeed, NSA is responsible for safeguarding the privacy and security of military communications as well as many other civilian communications of our government.

Mr. Chairman, I want to thank the chairman and ranking member of the committee for working with me on this amendment, and I would urge my colleagues to accept the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CARDIN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 109–84.

AMENDMENT NO. 9 OFFERED BY MS. SLAUGHTER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Ms. SLAUGHTER:

Page 69, after line 13, insert the following (and amend the table of contents accordingly):

SEC. 405. IMPROVING SENTRI, FAST, AND NEXUS PRE-ENROLLMENT PROGRAMS.

(a) CREATION OF REMOTE ENROLLMENT CENTERS.—

(1) IN GENERAL.—The Secretary shall create a minimum of 4 remote enrollment centers for the programs described in paragraph (2). Such remote enrollment centers shall be established away from the borders of the United States and in population centers where there is a demand for such a service.

(2) PROGRAMS.—The programs described in paragraph (1) are the following:

(A) The Free and Secure Trade, or ''FAST'', program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C 1411 et seq).

(B) The Secure Electronic Network for Travelers Rapid Inspection, or ''SENTRI'', program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)).

(C) The ''NEXUS'' program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)).

(b) CUSTOMER SERVICE PHONE NUMBER.—The Secretary shall create a customer service telephone number for the programs described in subsection (a)(2).

(c) MERGING REQUIREMENTS OF NEXUS LAND AND AIR CARDS.—The Secretary of Homeland Security shall merge the requirements of the land and air cards issued under the ''NEXUS'' program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)) into one uniform card that will work for land and air crossings.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Tightening security along our vast northern border is one of the most important steps we have taken to defend

our homeland since September 11. New security measures have had unintended consequences of stifling trade and tourism with our Canadian neighbors. Traffic congestion at the border continues to be a longstanding problem for local Canadian and New York residents who rely upon it for their business and personal lives. It is not uncommon for travelers at the Peace Bridge in Buffalo to experience 3- to 4-hour delays trying to cross the border.

Beyond the local impact on our constituents, border-crossing delays cost the entire Nation dearly. According to a new report by the Ontario Chamber of Commerce, the U.S. economy absorbs 40 percent of the current cost of the border delays, and that means that the U.S. losses are $4.13 billion a year, or $471,000 an hour, due to the border congestion. If action is not taken, we stand to lose 17,000 jobs by 2020 and 91,000 by 2030.

And we want to alleviate that by expanding the pre-clearance programs like NEXUS, FAST, and SENTRI. These programs, which are joint ventures between the U.S., Canadian, and Mexican governments, are designed to simplify the border crossings for pre-approved, low-risk travelers and businesses.

Right now constituents along the border complain that registration is overly burdensome and complex, and it is. It is unacceptable that American citizens must travel to Canada to enroll in the NEXUS program. So to expand and make pre-clearance easier to navigate, my amendment would authorize the creation of at least four enrollment centers in the United States and would establish a customer phone service number. As it stands now, there is no phone to reach NEXUS.

Finally, the amendment would create one consistent NEXUS card for land and air travelers. NEXUS cards currently require a retinal scan, while NEXUS land cards use fingerprints; and we would merge these two and use one security feature for both air and land crossings.

Mr. Chairman, this amendment has the support of the United States Chamber of Commerce and the border mayors in western New York. Losing nearly half a million dollars an hour from border delays, the cost of pre-clearance upgrades would easily pay for themselves.

I am most grateful to the chairman of the committee and the vice chairman of the committee and urge adoption of this amendment. And I thank them for working with me on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 109–84.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. SOUDER:

At the end of title IV of the amendment, add the following (and conform the table of contents of the bill accordingly):

SEC. 405. LEAD AGENCY FOR CERTAIN AIRSPACE SECURITY.

(a) LEAD AGENCY FOR NATIONAL CAPITAL REGION.—The Office of Air and Marine Operations of the Bureau of Customs and Border Protection of the Department of Homeland Security shall be the lead agency in the Department responsible for the planning and execution of the airspace security in the special use airspace that surrounds the National Capital region.

(b) LEAD AGENCY FOR SPECIAL EVENTS OF NATIONAL SIGNIFICANCE.—The Office of Air and Marine Operations shall be the lead agency in the Department responsible for the planning and execution of airspace security for those special events of national significance, as determined by the President, that require specialized security of the airspace surrounding the event.

(c) DUTIES OF LEAD AGENCY.—As the lead agency in the Department of Homeland Security for airspace security for any airspace under this section, the Office of Air and Marine Operations shall take such actions as may be necessary to facilitate the coordination, within the Department and between the Department and the Departments of Transportation, Justice, and Defense and appropriate State and local government agencies that have jurisdiction over an area that is within the boundaries of such airspace, of airspace security activities for such airspace and of law enforcement responses to violations of such airspace security.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare and submit to Congress a report that identifies the facility, asset, and personnel requirements necessary to carry out the airspace security responsibilities of the Office of Air and Marine Operations under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

After the first attacks on 9/11, the Secret Service was given responsibility for the airspace in the National Capital region. During the final 6 months of the Department of Defense working with the Secret Service, there were 182 intrusions into the 15-mile security ring. In December, 2000, DoD was tasked into finding a more optimal solution because one of the problems, which we saw just a couple weeks ago here at the Capitol building, is when we have a plane going 85 knots, 93 miles an hour, and all of a sudden an F–16 comes on going at 300 miles an hour, there is no escorting of the plane, there is no ability to talk to the plane. So the Air and Marine division, AMO, of the Customs and Border Protection agency inside DHS, has the smaller planes, the Citation, the Black Hawks with which to do this.

Just last week my staff and other staff in the Senate and the House learned on Friday that inside the Department of Homeland Security there is no designee who is the lead, and we have to work it out between DHS and the Department of Defense; but it is just appalling that inside the Department of Homeland Security we do not have a lead as to who is in charge in the air.

A couple of basic things that we need to understand here. That plane got within 2 minutes. It was a small plane that might have bounced off, but what we have seen throughout the world in a number of terrorist incidents now, planes exactly like that one loaded with C–4 blow up the place. We did not get our warning to get out of this building and clear the area. I got to 1st St. at approximately the time the plane was being landed. In other words, we could barely get out of the cloakroom before the plane would have hit.

So unless we can control that airspace, unless we have a lead designee like the Air and Marine division inside DHS, which is a start, and then to work with DoD, we are dead here. There is no way to stop a plane. Even if they had shot down the plane, it would have hit us coming on in unless it completely disintegrated, and at 93 miles an hour, it was a tough call.

So I believe this amendment addresses a great need.

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

Mr. COX. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. COX) is recognized for 5 minutes.

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

I want to engage in a colloquy, if I might, with my colleague from Indiana and begin by sharing with him my support for his objectives and also my shared concern with this issue, which he has clearly identified, of overlapping jurisdictions.

Before the Congress takes the next step of designating a single agency to be the lead on airspace security, it is my view that we need our full Committee on Homeland Security through hearings and oversight to take an in-depth look at the capabilities of each of the agencies involved. Additionally, Secretary Chertoff is just days away from presenting to us the results of his 90-day top-to-bottom review of the Department, and I expect that the results of that review will include issues of mission overlap and also areas needing improved coordination.

So I would be glad to work with the gentleman on this precise issue and to

move with alacrity if he would be willing to withdraw his amendment so that we can consider this in the committee. If that is agreeable to him, I would be happy to make that commitment at this time.

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

Mr. COX. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, my concern is that, as he knows, I had two other amendments that I withdrew because we had jurisdictional questions. Clearly, the Parliamentarian has ruled in this case that this amendment is germane to this bill, is in the jurisdiction of this committee, and is in the primary and actually sole jurisdiction of this committee or it would not be in this committee. This is only inside the Department of Homeland Security. It does not have anything to do with the Department of Defense.

So my question is that, if I withdraw my amendment, are we guaranteed that, in fact, it will come back through our committee and be in the sole jurisdiction of our committee?

Mr. COX. Mr. Chairman, reclaiming my time, I believe the gentleman has very clearly and accurately stated the jurisdictional question on this amendment. It has been determined that it falls within the jurisdiction of the Committee on Homeland Security. For that reason I would propose that the Committee on Homeland Security take up this issue and use its jurisdiction to help solve this problem.

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

Mr. COX. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I agree that we have not had hearings. I believe that the urgency is great and that we fight so much over jurisdiction in this body that literally this Congress and this city could have been theoretically blown off the face of the Earth while we argue over jurisdiction.

So I hope this would be done with alacrity. I would hope that there will not be jurisdictional battles, that it has to go through three committees, so that we can get something back to this floor as soon as possible because it was demonstrated last week that our lives may depend on this.

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

We are all aware of the aircraft incursion in the National Capital Region airspace last week. I believe that the response to that event demonstrates that coordination and communication between the various Federal agencies works well.

Each agency, including the Federal Aviation Administration (FAA), the Transportation Security Administration (TSA), the Department of Defense (DOD), and the Customs and Border Protection, Air and Marine Operations (AMO) had the same information, communication and coordination was excellent, and each agency fulfilled their role as expected.

It has been my understanding that each agency, including AMO, has a specific role to play.

The FAA is the lead and has sole authority over airspace management and control at all times.

The TSA handles airspace security policy within the Department of Homeland Security.

AMO handles tracking and intercepting aircraft in violation of FAA airspace rules and orders in the National Capital Region, and handles other law enforcement operations.

Finally, the DOD is in charge of airspace defense.

These rules have been long established and are not in question.

Therefore, I am unsure why there is a perceived need for a lead agency within the Department of Homeland Security in these situations even more, I am unsure if AMO is the proper entity to fulfill that role.

Nevertheless, I believe strongly that FAA must retain airspace management and control at all times . . . before, during and after an event, terrorist or otherwise.

Without a doubt, aviation safety is of paramount importance, even during an incursion event, and the FAA is the proper authority and lead in this regard.

I must remind my colleagues that the incursion last week turned out not to be a terrorist event and it is the FAA who is pursuing punitive action against the pilot in question.

Since this is most often the case, it seems strange to give AMO, a law enforcement agency within Customs and Border Protection, the lead in airspace security.

If one thing went right last week it was communication, coordination and each Federal agency understanding and fulfilling their role.

If it ain't broke, don't fix it!

Therefore, I urge my colleagues to vote "no" on the Souder amendment.

Mr. CUMMINGS. Mr. Chairman, I support the amendment (No. 10) offered by Mr. SOUDER, the chairman of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, with whom I serve as Ranking Minority Member.

The amendment would extend through FY 2006 the authorization of the Office of Counternarcotics Enforcement within the Department of Homeland Security (DHS). The amendment would authorize the office at a level of $6 million annually—the same amount authorized by Congress, but not funded by the Administration, in FY 2005.

Our government's response to the attacks of 9/11 has been to take the fight to the terrorists militarily and to take steps to insulate our people and infrastructure from threats to our national security at home.

Congress created the Department of Homeland Security with the stark realization that gaps in security at our borders and ports of entry provide an open door not only to illegal immigration and dangerous illegal drugs, but also to terrorist threats.

Investigations into the 9/11 attacks also led to a greater understanding of the extent to which drug proceeds are the lifeblood of international criminal and terrorist organizations that threaten U.S. security.

Congress's recognition of the importance of stemming the flow of drugs into the United States is reflected in the mission statement of the Department of Homeland Security. Codified in the original authorizing statute, that statement directs the Secretary of DHS to explore links between terrorists and drug trafficking organizations and otherwise pursue drug interdiction.

The gentleman from Indiana and I share the view that we must not allow the threat of singular catastrophic events to detract from domestic efforts to stop the daily onslaught of illegal drugs that gradually turns American lives to waste and local communities into war zones.

Let us not forget, Mr. Chairman, that domestic consumption of illegal drugs claims roughly 20,000 thousand American lives each year—nearly seven times the number of Americans who perished in the 9/11 attacks.

Thousands more Americans go to jail or prison for drug-related crimes or become a victim of drug-related violence or property crime. An estimated $150 billion in economic productivity is lost annually due to drugs.

That is why I co-authored with Chairman SOUDER a provision in the Homeland Security Act of 2002 that created within the Department of Homeland Security the position of Counternarcotics Officer, or "CNO."

It was our purpose in proposing the CNO provision to create a high-level position within DHS that would maintain a high profile and priority for counternarcotics missions. The CNO was tasked with ensuring that DHS drug interdiction, investigation, and enforcement efforts would be coordinated internally and also meshed with the efforts of other Federal agencies to maximize the efficiency and effectiveness of anti-drug efforts throughout the government.

Three years later, the Homeland Security Department is up and running, but the record shows that the Administration has stood in the way of our efforts to support and improve coordination of counter-drug enforcement efforts.

Last year, in response to the Administration's failure to prioritize anti-drug efforts with DHS, we replaced the CNO position with the Office of Counternarcotics Enforcement, authorizing $6 million for the office in FY 2005. Unfortunately, President Bush ignored the will of Congress and chose not to fund the office. The Administration's budget request includes nothing for the office in FY 2006 and further seeks to undermine drug enforcement by proposing deep cuts in major anti-drug programs including HIDTA, Byrne Grants and the COPS program.

Mr. Chairman, the Office of Counternarcotics Enforcement deserves to be reauthorized and to be funded at a level adequate for it to fulfill its mission.

By extending the authorization of this office, we can help to ensure that the war on drugs and the war on terror both can be fought with maximum vigor, efficiency, and effectiveness.

We need to show a real commitment to our Nation's counternarcotics efforts—extend the reauthorization of the CNO and give the office permanent funding and personnel.

I thank the gentleman for offering his amendment, I urge the Committee to make the amendment in order, and I support the gentleman in his efforts to secure funding for the office as the DHS appropriations bill goes to conference.

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

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

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11

printed in part B of House Report 109–84.

AMENDMENT NO. 11 OFFERED BY MR. WAMP

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. WAMP:

In title V, add at the end the following new section:

SEC. 509. CENTERS OF EXCELLENCE.

Section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)) is amended by adding at the end the following new subparagraph:

''(F) A center under this paragraph may include participation of a Department of Energy laboratory, including in the preparation of a proposal.''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

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

Mr. Chairman I would like to thank the gentleman from California (Chairman DREIER) and the Committee on Rules for making my amendment in order and the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMAS), ranking member, as well as their staffs, for their good work on this bill and for working with me on this important issue.

My amendment would permit the Department of Energy laboratories to team with a university or consortium of universities when competing for Department of Homeland Security's Centers of Excellence. Currently, the DHS Science and Technology Directorate prohibits DOE laboratories from contributing to university proposals for Centers of Excellence solicitations.

□ 1500

My amendment would allow DOE labs to participate as partners with universities in preparation of Centers of Excellence proposals. This is only if the university or universities want the DOE lab to participate. It is not my intention to take anything away from universities or have Centers of Excellence located anywhere but at the universities. Under my amendment, universities will remain the lead on the Centers of Excellence proposals.

As a member of the Subcommittee on Homeland Securities of the Committee on Appropriations, I want to state that I fully support the Centers of Excellence program and have advocated for increased funding every year.

My concern arises from a faulty policy decision by the Science and Technology Directorate to prohibit DOE labs from partnering with universities to bring their expertise to complement university proposals.

I have heard that the Department of Homeland Security opposes my amendment. That is unfortunate, but I know that we are on the right track for six reasons.

First, DOE labs, even the ones that are intramural, are not and have not been involved in strategic planning and program development of Centers of Excellence and university programs.

Second, these labs are only intramural to those DOE legacy programs under the Office of Research and Development mostly dealing with chemical, radiological, biological, and nuclear threats within the funding that comes to Office of Research and Development for those missions. This funding is all done at national laboratories where the classified nature of the research needs to happen at a secure Federal research facility.

Third, to say that an intramural DOE lab has insider information on the Centers of Excellence program is simply not accurate.

Fourth, why do DOE labs have the ability to be eligible to partner with universities post award if requested by the university? What is the difference between pre award versus post award? How do universities write a proposal? The Department accepts it, makes the award to the university, and then after it is awarded, the university changes the proposal to add a DOE national lab that was barred from contributing in the first place. That makes no sense.

Fifth, it is my understanding that these Centers of Excellence are eligible for renewal, so there is a question that is still not clear. If a university that wins the Center of Excellence picks the Oak Ridge National Laboratory, for instance, to partner post award, would that preclude Science and Technology from considering that university from competing again or getting a renewal contract?

Finally, what happens when a university has a contractor at a DOE national laboratory such as the University of Tennessee and Battelle, which manage the Oak Ridge National Laboratory, or the University of California that manages Lawrence Livermore, does that not preclude these universities from ever being considered for Centers of Excellence proposals?

When we created the Department of Homeland Security Science and Tech Directorate, this was not the intended result. The Federal Government should encourage our excellence in academia to partner with our excellence at our national labs.

The Science and Tech Directorate's use of the national labs is still unclear. Congress needs to work together on this and challenge these decisions by making DHS more accountable so their decisions are made with good, common sense. We need these changes in this authorization bill, and I urge the adoption of this amendment.

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

The Acting CHAIRMAN (Mr. BONNER). Does any Member rise in opposition to the gentleman's amendment? There being no one, the Chair recognizes the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Well, then, I appreciate that. Maybe we have worked these things out. That is great news, and I will just go ahead and yield back the balance of my time and move the adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 12 printed in Part B of House report 109–84 offered by the gentleman from New Jersey (Mr. MENENDEZ).

AMENDMENT NO. 12 OFFERED BY MR. THOMPSON

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman from Mississippi the designee of the gentleman from New Jersey (Mr. MENENDEZ)?

Mr. THOMPSON of Mississippi. Yes, Mr. Chairman

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. THOMPSON of Mississippi:

At the end of title V add the following:

SEC. ___. REPORT ON PROTECTING INFRASTRUCTURE IN THE AREA OF PORT ELIZABETH AND NEWARK INTERNATIONAL AIRPORT, NEW JERSEY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress describing the measures necessary to coordinate and protect the various infrastructure in the area comprised of Port Elizabeth and Newark International Airport, New Jersey, and the area located generally between such facilities. The report shall include—

(1) an identification of the resources required to fully implement homeland security efforts for this area;

(2) an assessment of the progress made in implementing homeland security efforts for this area; and

(3) recommendations of additional resources needed to fully implement homeland security efforts for this area.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

Terrorism experts have called the area between Port Elizabeth and Newark International Airport in New Jersey ''the most dangerous two miles in America,'' an area that includes dozens of vulnerable chemical plants, oil storage tanks, refineries, and other critical infrastructure systems within close proximity of Manhattan and the densely populated cities of northern New Jersey.

Experts estimate that a terrorist attack in this area could pose a potentially lethal threat to 12 million people living within a 14-mile radius. The Menendez amendment would require the Secretary of the Department of Homeland Security to report to Congress on how to coordinate and protect the people and infrastructure in this particularly vulnerable region.

Mr. Chairman, I rise in support of this amendment.

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

Mr. COX. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of the time to the gentleman from New Jersey (Mr. MENENDEZ), the author of the amendment.

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

First of all, I want to thank the distinguished ranking member for offering this, since I was at an event with our colleagues in the Senate and with the Democratic Caucus, so I appreciate him offering this on my behalf. It is my intention, based on a conversation with the gentleman from California (Chairman COX), and I believe the ranking member as well, to withdraw the amendment, with an understanding, and I will get to that in a moment.

My effort here is to basically take, not that I have said this, but that the FBI and law enforcement and a congressional study has said that the most dangerous two miles in America when it comes to terrorism, according to the FBI and others, which is that area between Port Elizabeth, the megaport of the East Coast, and Newark International Airport, and since we have a critical challenge with this dangerous two miles that I think would replicate many other areas of the country that have chemical facilities next to transportation infrastructure, next to airports, next to seaports, and a whole host of other critical infrastructure, that what can the Department of Homeland Security do to look at this most dangerous two miles and tell us what has been done, what needs to be done, what should be done so that we can achieve the success that we want in protecting not just a part of my congressional district or of the people of New Jersey, but as the New York Times recently wrote, the Nation's most enticing environment for terrorists, providing a convenient way to cripple the economy by disrupting major portions of the country's rail lines, oil storage and refineries, pipelines, air traffic, communicate networks, and highway systems.

Now, if you are one of the 12 million people who live in this 14-mile radius with more than 100 potential terrorist targets, you would understandably be concerned. But as the New York Times mentioned, this is more about more than the safety and security of my constituents; it is an attack of this area to cripple our Nation's economy.

Very simply, an attack within these two miles would be an attack felt around the world, since the largest seaport on the East Coast, one of the busiest airports in the country, Interstate 95, the main corridor along the Eastern Seaboard, are all located within this area.

For example, just by one example, in 2002, 15 percent of Nebraska's container exports were shipped through this port, and, like that, it is so true for so many points of the country. If you are wearing it, driving it, or eating it, it likely came through the megaport of the East Coast.

So while my amendment does not authorize any new funding or any additional resources, it does look in the context of limited environment, of limited resources, but unlimited risks. How do we become careful stewards not only of the taxpayers' money, but also of the security of our people?

Now, my understanding is that the gentleman from California (Mr. COX) will be willing, by me withdrawing this amendment and by working with the ranking member, to secure that the Department of Homeland Security would provide such a report, and I would like to yield to him to see if my understanding is correct.

Mr. COX. Mr. Chairman, the gentleman's understanding is correct. If the gentleman is willing to withdraw his amendment, the Committee on Homeland Security, through its chairman and ranking member, would formally request this information from the Department of Homeland Security.

As the gentleman knows, the Department of Homeland Security and its Infrastructure Protection Directorate is currently focusing heavily on this part of the country and, as a result, the identification of critical assets, high-risk facilities, the implementation of security measures, and the recommendation of additional mitigation strategies for this region is something that the committee should hear on and, as a result, I would propose, with the ranking member, that we seek the information in this way.

My only concern with the amendment as drafted is that it would set the precedent of establishing a national legislation requirement for IP mandates for specific regions within the States, rather than a national infrastructure strategy.

Mr. MENENDEZ. Mr. Chairman, reclaiming my time, I appreciate the chairman's offer, and I would hope, however, seeing that many reports that have been requested by the committee have not come forward, that in fact we would be vigorous in making sure that the report would actually be issued.

Mr. COX. The gentleman has my commitment on that subject.

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to extend the debate by 2 minutes on each side.

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

Mr. COX. Mr. Chairman, reserving the right to object, I would like to claim the time in opposition to the Menendez amendment.

The Acting CHAIRMAN. Under the pending proposal, the gentleman from California would have another 2 minutes and the gentleman from Mississippi would have another 2 minutes.

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

There was no objection.

Mr. COX. Mr. Chairman, I yield back 2 minutes of my time, and I yield the remaining 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), and I withdraw my reservation of objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, there are approximately 70,000 different chemicals that have been defined. Fifteen to 20 of them could be lethal, are lethal, toxic, and in this two-mile stretch that the gentleman from New Jersey (Mr. MENENDEZ) has brought to our attention, these are the most dangerous two miles in America.

The chemical plants, the oil storage tanks, the refineries, and critical infrastructure systems are targets. In fact, if there is a terrorist attack in this area, it could pose a terribly lethal threat to 12 million people. That is within a 14-mile radius. This is serious business, and we on the Committee on Homeland Security look at this seriously on both sides of the aisle.

So through the ranking member and the chairman, we have their commitment that we will work this out, because I know that my colleagues understand the seriousness of this area. And since we are in the business of risk, the problem of risk and taking that into regard with our formula, then I think that this certainly reaches the top of the priority.

□ 1515

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey (Mr. PASCRELL) for yielding me the time. And just let me add this is not just a New Jersey issue, but it is a New York City issue, as a Representative of Staten Island, just a couple of miles away.

I applaud the gentleman's efforts. And I thank the chairman for agreeing with that.

Mr. THOMPSON of Mississippi. Mr. Chairman, the gentleman from New Jersey (Mr. PASCRELL) and others have indicated the position that the minority supports.

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

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

The Acting CHAIRMAN (Mr. BONNER). Is there objection to the request of the gentleman from New Jersey that the amendment offered by the

gentleman from Mississippi (Mr. THOMPSON) be withdrawn?

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 109–84.

AMENDMENT NO. 13 OFFERED BY MS. HOOLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 13 offered by Ms. HOOLEY:

At the end of title V, insert the following:

SEC. 509. PROHIBITION AGAINST INCREASE IN SECURITY SERVICE FEES.

None of the funds authorized under this Act may be derived from an increase in security service fees established under section 44940 of title 49, United States Code.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Oregon (Ms. HOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon (Ms. HOOLEY).

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

Mr. Chairman, the amendment I offer today is very simple. It would prevent any of the money in this bill from coming from increases in airline ticket taxes. This is an amendment to protect consumers, to protect our struggling aviation industry.

Earlier this year, the President's budget included a $1.5 billion increase in the aviation security passenger fee, using this to largely offset his $2.2 billion homeland security increase.

This increase, if enacted, would represent over a 50 percent increase in airline fees. Federal taxes and fees already account for as much as 40 percent of the price that consumers pay for their domestic ticket.

Given the current state of our aviation industry in this country, we should not further punish them with higher taxes. Our homeland security is our national security, and we should not foist the bill off on just a few people or single industry.

While the bill before us does not include language increasing the aviation security passenger fee, it does authorize the same level of funding as the President's budget, and there is no offset for the additional spending.

Mr. Chairman, I am concerned that increasing the aviation security passenger fee will negatively impact consumers and will saddle a struggling industry that is already in trouble with an additional $1.5 billion in taxes.

I encourage my colleagues to support my amendment.

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

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman and my colleagues, this is not a good amendment. I am surprised that this amendment was even considered by the Rules Committee. The administration proposed a $3 increase in security fees.

Why did they propose that? They proposed that because yesterday we passed $4.6 billion just for passenger screening, of which the current fee of $2.50, a maximum of $5 per one way, even if you have more segments, security fee, which we imposed after September 11 to fund the TSA, falls $2 billion short.

So we are taking out of the general fund another $2 billion to fund this very expensive system that does not work very well. This is a report of the Inspector General, and it is a secret report, I cannot discuss this, but I tell you, the system fails.

Before the other body, Richard Skinner, acting Inspector General of the Homeland Security Department January 26, 2005 said; ''The ability of TSA screeners to stop prohibited items from being carried through the sterile areas of airports fared no better than the performance of screeners prior to September 11, 2001.''

Now, what is wrong? We do not have the technology. We do not have the technology. And I have proposed that we double the fee, and that we put it on technology that will do a better job. Not only will it do a better job, the GAO has said that we can decrease personnel by 78 percent for those that screen the baggage by hand now behind these counters, that use an army, almost half of the 45,000 personnel.

So we are paying more, getting less. This proposal would reduce $1 billion a year that cost to the taxpayers. This is a bad amendment. The airlines may like this amendment, but let me tell you what they will do.

If we do not correct and reform this system, we will have another 9/11 because this expensive structure that we have in place does not work. It needs to be changed out with technology. These reports say it. As chairman of the Aviation Subcommittee, I am telling you that we need it. And the only way to fund it, and do not tell me we have not helped the airlines. I stood up here and fought for $5 billion for them after 9/11. We gave them another $3 billion on top of that for security improvements. Then they got away with the absconding with 4 months of the revenue that they never passed on to the Federal Government and we never said anything.

We are right now financing 21 percent of FAA and the air traffic control system out of the general treasury. And some little guy from Oregon who is making $7 an hour, you are going to ask him to pay that security fee. He never gets on a plane, he is probably making minimum wage and is going to now pay to underwrite a failed system because the airlines will not step forward.

I even offered them a half a billion. They promised me that they would pay us a billion dollars when we assumed this responsibility. Last year they paid us $315 million, $700 hundred million short. Shame on them. Shame on them for even pushing this amendment.

This is a disgrace. We should be putting in place the best equipment to do away with the system that has failed. This says it failed. I challenge every Member to go and read those classified reports. We are not playing games here; we are dealing with the safety, security, and the economic future of this Nation.

So I urge the defeat of this amendment. I urge the reform of TSA that does not work, that costs us a lot of money; and those that use it should pay for it, not some poor guy from Oregon or Florida that is getting left holding the bag and paying the bill.

The user pays. That is what we do here. We are down now and we are subsidizing the expenses of FAA and air traffic control by half a billion dollars a year because the 7.5 cent excise tax on the tickets does not raise enough money. So it is coming out of the pockets of people who do not even fly.

This is a user-based system. Let us fix this system. Correct this bill.

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

Ms. HOOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, with all respect to my colleague, the gentleman from Florida (Mr. MICA), I could not disagree more strongly.

The Constitution of the United States gives to our national government the responsibility to provide for the common defense. When al Qaeda turned airliners into missiles, hundreds of passengers aboard those aircraft were killed, but thousands of people in the World Trade Center Towers and in the Pentagon were also killed. And none of them was an airline passenger.

Neither were the millions of Americans who suffered the economic damage of billions of dollars inflicted by al Qaeda as a result of those attacks. Homeland security, in my view, is the essence of national security.

And this amendment puts that question to the test. Is homeland security merely the correlation of national security, or is it the core of what we are seeking to establish when we provide for the common defense and protecting the territory and the population of the United States?

If every time the Pentagon needed a new weapons system they had to find a user fee in order to pay for it, we would have a third-world national defense. But, in fact, Mr. Chairman, as Democrats and Republicans on the Homeland Security Committee have determined, homeland security is all about providing for the common defense, and funding it is a national responsibility.

For those reasons, I strongly support the amendment offered by gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise and express strong support for the amendment of the gentlewoman from Oregon (Ms. HOOLEY). It sends a strong and simple message to Congress: do not raise aviation passenger fees.

I strongly believe that raising fees will place an additional burden on the flying public and could weaken the economic strength of domestic commercial aviation.

Mr. Chairman, I strongly support the Hooley amendment and urge my colleagues in the House to vote in favor of this important amendment.

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

Mr. Chairman, just in closing let me say, homeland security, we all want to make sure that our country is as safe as possible. Homeland security is a responsibility of all of our citizens.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in part B of House Report 109–84.

AMENDMENT NO. 14 OFFERED BY MR. CARDIN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Mr. CARDIN:

Page 78, insert after line 22 the following (and redesignate the succeeding provision and conform the table of contents accordingly):

SEC. 508. STUDY OF MODIFICATION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 to update the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(b) FACTORS.—In conducting the study under subsection (a), the Secretary shall analyze whether modifying the geographic area under the jurisdiction of the Office of National Region Coordination will—

(1) improve coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(2) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subsection (a), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN.)

Mr. CARDIN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I would like to thank the chairman and ranking member for working with me on this amendment to improve it.

Today, I am offering an amendment to H.R. 1817, the Department of Homeland Security Authorization Bill for fiscal year 2006, that would require DHS to conduct a study of the feasibility and desirability of modifying and updating the existing boundaries of the National Capital Region of DHS.

My amendment would require DHS to issue a report within 6 months to Congress on whether modifying the National Capital Region would, one, improve coordination among State and local governments within the region, including regional governing bodies, and coordination of the efforts of first responders; and, two, enhance the ability of State and local governments and the Federal Government to prevent and respond to a terrorist attack within the National Capital Region.

We passed nearly an identical amendment in October 2004 when the House considered the 9/11 Commission recommendations bill. This amendment clarifies that DHS will ultimately make a recommendation on whether to make any changes in the NCR subject to the approval by Congress.

The National Capital Region was defined by Congress in a statute in 1952 as part of an effort to coordinate a comprehensive planning responsibility for the national capital and surrounding areas. The 1952 act, the National Capital Planning Act, created the National Capital Planning Commission and defined the NCR to include the District of Columbia; Montgomery and Prince Georges' counties in Maryland; Arlington, Fairfax, Loudon, and Prince William counties in Virginia.

The NCR also includes all cities within these counties. Unfortunately, when Congress created the new Department of Homeland Security in 2002, it simply referred to the 1952 definition of NCR. It is clear to me that in order to effectively prepare our capital region for first responders, for the terrorist threats of the 21 century, we need to have a 21-century definition of the National Capital Region, not a definition based on a post-World War II and early Cold War America.

Washington, D.C. remains the highest-profile target for terrorists who successfully attacked the Pentagon on September 11, 2001, and failed to complete their attack against the White House or the U.S. Capitol.

Therefore, we need to take extraordinary steps to improve the coordination between governments and first responders in Washington D.C., Virginia, and Maryland in order to prevent and respond to attacks in the National Capital Region.

In the event of a terrorist attack in Washington, D.C., for example, local and State and government officials in Maryland and Virginia would be expected to provide immediate resources to assist in the recovery.

Maryland and Virginia would be asked to help in the evacuation of thousands or even over a million people from the Washington, D.C. metro region in certain circumstances.

Such an event would place an extraordinary strain on our existing first responder community and may overwhelm the ability of local, regional, State, Federal, military, public health, and non-profit agencies and personnel.

So this amendment simply asks that we do the study to see what is the appropriate definition for the purposes of homeland security. I want to thank my colleague, the gentleman from Maryland (Mr. BARTLETT), for his leadership on this issue.

Again, I want to thank the chairman and ranking member for working with me on this amendment in order to make it an effective study for Congress.

□ 1530

I would urge my colleagues to accept this amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mrs. CAPITO). Does any Member seek time in opposition to the gentleman's amendment? If not, the gentleman from Maryland (Mr. CARDIN) is recognized.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CARDIN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in Part B of House Report 109–84.

AMENDMENT NO. 15 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Ms. SLAUGHTER:

Page 79, after line 6, add the following:

SEC. 509. REPORT TO CONGRESS ON UNIFORM AND IDENTIFICATION SECURITY.

(a) DEFINITION.—For the purpose of this section, the term ''forms of Homeland Security identification'' means any uniform,

badge, identification card, or other apparel or insignia of the design prescribed by the Department of Homeland Security for use by any officer or employee of such Department.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare and submit to Congress a report—

(1) describing the efforts taken by the Department of Homeland Security—

(A) to curtail the production of imitation forms of Homeland Security identification, including efforts to improve the design of the various forms of Homeland Security identification to prevent unauthorized replication; and

(B) to increase public awareness of the existence of imitation forms of Homeland Security identification, and educate the public about means by which to identify bona fide forms of Homeland Security identification;

(2) assessing the effectiveness of the efforts described in paragraph (1); and

(3) recommending any legislation or administrative actions necessary to achieve the objectives described in subparagraphs (A) and (B), respectively, of paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Chairman, I yield myself such time as I may consume.

My amendment would require the Secretary of Homeland Security to report to Congress on the agency's efforts to reduce the replication of its badges, uniforms and other insignia. In addition, the Secretary would be directed to report on the agency's efforts to increase public awareness of counterfeit badges and uniforms, and to teach Americans to identify authentic identification of a DHS official.

Two years ago, a man wearing an FBI jacket and carrying a badge attempted to rob the Xerox employee credit union in my district. The would-be robber killed one man and shot another, and that murderer is still at large.

Last week, the Department of Homeland Security arrested a man in New York City who was in the possession of over 1,300 fake badges and IDs from over 35 law enforcement agencies, along with two NYPD police uniforms. In addition, DHS agents found a Glock 9-millimeter handgun, a Beretta semiautomatic rifle, a Winchester shotgun and used casings from a shoulder-fired missile.

I think everyone would agree that this man posed a legitimate threat to his community based on his weapons stash alone, and knowing he had a gun and an FBI badge, or a CBP badge, or a police uniform, makes me even more frightened of the trouble he might have caused. The availability of counterfeit badges is an ongoing problem in this country, and it has gone unchecked for too long.

I am disturbed that the identification and clothing of our public officials is so easily reproduced. When I think about all the different efforts we have made and the technology we have employed to ensure that someone cannot counterfeit a $20 bill, I am shocked that ensuring the integrity of the badges and identification of public officials has not been made a similar priority.

DHS badges, uniforms and IDs are indicative of authority, and the bearers are granted access to restricted areas and to sensitive information. We trust that people who have those badges and wear those uniforms of the Department of Homeland Security are, in fact, officers of that agency, and we teach our children to trust people who show official badges and wear the official uniforms. How terrifying is it to think about someone's lost child walking up to someone wearing a DHS uniform only to have that person really be a criminal.

This amendment is an important first step in improving the integrity of the DHS badges, uniforms, and IDs. Next week, I plan on taking our efforts to protect the integrity of our public IDs one step further by introducing legislation that will expand the current Federal criminal ban on fake police badges and the misuse of authentic badges to include uniforms, identification, and all other insignia of public officials, because we must be able to trust those who said that they are public officials.

I appreciate very much being able to present this amendment and ask for its adoption.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the gentlewoman's amendment? If not, the gentlewoman from New York (Ms. SLAUGHTER) is recognized.

Ms. SLAUGHTER. Madam Chairman, I thank very much the chairman of the committee and the ranking member of the committee, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in Part B of House Report 109–84.

AMENDMENT NO. 16 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 16 offered by Mr. KENNEDY of Minnesota:

Page 79, after line 6, insert the following (and amend the table of contents accordingly):

SEC. 509. BORDER SURVEILLANCE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the President and the appropriate committees of Congress a comprehensive plan for the systematic surveillance of the northern border of the United States by remotely piloted aircraft.

(b) CONTENTS.—The plan submitted under subsection (a) shall include—

(1) recommendations for establishing command and control centers, operations sites, infrastructure, maintenance, and procurement;

(2) cost estimates for the implementation of the plan and ongoing operations;

(3) recommendations for the appropriate agent within the Department of Homeland Security to be the executive agency for remotely piloted aircraft operations;

(4) the number of remotely piloted aircraft required for the plan;

(5) the types of missions the plan would undertake, including—

(A) protecting the lives of people seeking illegal entry into the United States;

(B) interdicting illegal movement of people, weapons, and other contraband across the border;

(C) providing investigative support to assist in the dismantling of smuggling and criminal networks along the border;

(D) using remotely piloted aircraft to serve as platforms for the collection of intelligence against smugglers and criminal networks along the border; and

(E) further validating and testing of remotely piloted aircraft for airspace security missions;

(6) the equipment necessary to carry out the plan; and

(7) a recommendation regarding whether to expand the pilot program along the entire northern border.

(c) IMPLEMENTATION.—The Secretary of Homeland Security shall implement the plan submitted under subsection (a) as a pilot program as soon as sufficient funds are appropriated and available for this purpose.

SEC. 510. ADVANCED TECHNOLOGY NORTHER BORDER SECURITY PILOT PROGRAM.

Section 5101 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1712 note) is amended by striking ''The Secretary of Homeland Security may carry out'' and inserting ''To the extent funds are provided in advance in appropriations Acts, the Secretary of Homeland Security shall carry out''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I rise today to offer an amendment because I am deeply concerned that the Department is not paying sufficient attention to the northern border of the United States.

My amendment today is very simple, and I want to take this opportunity to thank the gentleman from California and his staff for their great work in helping me to draft this amendment.

Mr. Chairman, the National Intelligence Reform Act of 2004 contained important provisions dealing with improving border surveillance on the northern border.

Congress intended for the Secretary of Homeland Security to carry out a pilot program to test advanced technologies for border security along the northern border. Yet, to date, DHS has not carried out this program.

The intelligence reform bill also provided that the Secretary of Homeland

Security must develop and submit to Congress and to the President a comprehensive plan for systematic surveillance of the southwest border by remotely piloted aircraft.

As I mentioned yesterday when I spoke on this subject, many Members may not realize that the U.S.-Canadian border is over 4,000 miles long, and it consists of more than 430 official and nonofficial points of entry. That is double the length of the U.S.-Mexico border, and even with recent staffing moves, DHS has only 1,000 Border Patrol agents along the northern border, compared to over 10,000 along the smaller southern border.

Some might think the southern border is more dangerous, but I would remind my colleagues that terrorists and drug traffickers trying to bring in poison like methamphetamines will try to get to us at the path of least resistance.

The lack of substantial resource and staffing along the northern border poses a real security threat. In fact, due to the shortage, DHS has looked for new ways to monitor the Canadian border, such as a new proposed requirement for passports to get back and forth over the border. But for a border as long as ours with Canada, so many unmanned access points, it is simply impractical to think having Border Patrol agents check passports will stop determined terrorists.

Do we expect al Qaeda or drug dealers to wait an hour at the border for someone to show up to check their passport? Or will they cross at some unknown spot along this vast border?

We need to adopt a more rigorous standard of protecting our northern border that makes wise use of our manpower and employs the same sophisticated technology as we use on our southern border.

By requiring the Department to comprehensively study the use of remotely piloted aircraft, AKA unmanned aerial vehicles, on the northern border and by requiring the Secretary to actually perform the pilot program created in the National Intelligence Reform Act, my amendment makes a significant step forward to securing this vast border.

Madam Chairman, the time has come to make our northern border just as safe and secure as the southern border. I urge all our Members to support this important amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition to the gentleman's amendment? The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I would just ask the Members to vote in favor of this amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in Part B of House Report 109–84.

AMENDMENT NO. 17 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 17 offered by Ms. JACKSON-LEE of Texas:

Page 79, after line 6, insert the following (and amend the table of contents accordingly):

SEC. 509. GAO STUDY OF PROPOSALS TO INCREASE TEMPORARY PROTECTED STATUS REGISTRATION FEE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall complete a study of, and report to Congress on, the likely consequences of increasing the fee described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(c)(1)(B)).

(b) ELEMENTS OF STUDY.—The study described in subsection (a) shall—

(1) calculate the number of applicants for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254(a)) who have sought a waiver, been granted a waiver, or been denied a waiver from such fees due to their inability to pay such fees, since the enactment of such section;

(2) project the cost at which such fee would be set if it were calculated consistent with the manner in which the Department of Homeland Security calculates fees under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m));

(3) taking into account the countries of nationality of the current population of beneficiaries of section 244 and the lack of work authorization that such beneficiaries have while awaiting the outcome of an adjudication, assess the ability of the current population of beneficiaries under section 244 to pay such fee if it were increased to the level projected pursuant to paragraph (2);

(4) estimate the number of requests for fee waivers that would likely have to be adjudicated per 1,000 applications should such fee be increased to the level projected pursuant to paragraph (2);

(5) estimate the cost and number of man hours that would be required to be expended in order to adjudicate the fee waiver requests described in such paragraph; and

(6) estimate the cost differential between the current cost of adjudicating applications and the statutory fee, on a per-application and an aggregate basis.

SEC. 510. GAO STUDY OF CONSEQUENCES OF EXPANDING USE OF PREMIUM SERVICE FOR IMMIGRATION BENEFIT APPLICATIONS AND PETITIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall complete a study of, and report to Congress on, the Department of Homeland Security's proposal to expand the use of premium fees for employment-based petitions and applications under section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)) to other applications and petitions.

(b) ELEMENTS OF STUDY.—In performing the study required under subsection (a), the Comptroller General—

(1) shall consider and assess—

(A) all factors that help quantify and assess the current impact of premium processing on immigration benefits adjudications of employment-based applications and petitions; and

(B) the degree to which the use of premium processing for employment-based applications and petitions has negatively or positively impacted the length of time that it takes to adjudicate employment-based applications and petitions that are eligible for treatment under section 286(u) of the Immigration and Nationality Act but for which no premium fee is paid; and

(2) shall assess—

(A) whether expansion of section 286(u) of the Immigration and Nationality Act to family-based immigration petitions and applications would increase or decrease the length of time it takes to adjudicate family-based petitions and applications in cases where the applicant cannot afford to make use of the premium service;

(B) all other likely future impacts of an expansion of premium processing to family-based immigration benefits applications and petitions;

(C) the number of additional adjudicators needed to process premium processing applications;

(D) the impact of premium processing on the number and assignment of adjudicators; and

(E) the number of individual applicants who would opt to use premium processing under this expanded program annually.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, again I thank the chairman of the full committee and the ranking member of the full committee for working with all of us as we try to construct a real definitive homeland security policy. I am always reminded that we always seemingly receive wake-up calls, and certainly, last week a little Cessna gave America a wake-up call.

I have argued extensively that homeland security is beyond the Beltway, if you will, in the neighborhoods and suburbs and rural areas of America. At the same time, our responsibilities deals with the documentation of the individuals in this country.

I have always said that we need real immigration reform, and I have joined my colleagues in supporting efforts for enhanced border security, understanding the violence at the border, making sure we have more border security patrol agents, more ICE officers, more benefit funding to ensure that those who are in the legal line for citizenship are not delayed by years and months.

I come with this amendment, which is a simple proposition, to make immigration access fair, disregards the temporary protection status, and I am joined in this amendment by the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary. I would at this point submit in the RECORD a letter from the Homeland Security Department.

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, April 19, 2005.

Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on Judiciary,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CONYERS: I am pleased to provide these proposed legislative amendments that U.S. Citizenship and Immigration Services (USCIS) requests to modify fee collections for Temporary Protected Status (TPS) and Premium Processing Fee authority.

Section 244(c)(1)(B) of the Immigration and Nationality Act as amended, 8 U.S.C. 1254a(c)(1)(B) established the fee for adjudicating an application for TPS and capped this fee at $50 since 1990. This limitation is inconsistent with the fee structure for other immigration benefit applications which is based on the recovery of full processing costs. This amendment would permit appropriate adjustment of the TSP fee structure according to processing costs and inflation, per the regulatory process. The amendment removes the sentence ''The amount of such fee shall not exceed $50.''

Subsection 286(u) of the Immigration and Nationality Act (INA) authorizes a $1,000 premium processing fee to be charged for employment-based immigration petitions and applications. Under this authority as implemented by regulation (8 C.F.R. §103.2(f)), USCIS offers a premium processing service under which employers filing USCIS Forms I–129 seeking to sponsor aliens for certain immigrant or nonimmigrant classifications can obtain 15-day processing of their petitions by submitting the additional fee. The proposed amendment would authorize the Secretary of Homeland Security to establish premium processing fees for other applications or petitions, such as non-employment based immigration petitions and applications, employment authorization applications, or applications to change or extend nonimmigrant status. The determination whether to implement premium processing service for any specific adjudication, the terms of service, and the applicable premium fee, would be within the Secretary's discretion, but the fee could not exceed the $1,000 charged for employment-based premium processing. Premium processing fees would be deposited, as are other adjudication fees, into the Immigration Examinations Fee Account in order to enhance USCIS customer service as well as provide the premium service itself. In order to provide the Secretary with flexibility to adjust the fees as needed, the amendment clarifies that APA rulemaking and Federal Register publication requirements do not apply. Rather, availability and terms of premium processing would be publicized through the USCIS web site. The amendment also authorizes premium fees in excess of $1,000 for employment-based adjudications relating to the investor visa (EB–5) program for investors of at least $500,000 in job-creating enterprises, including regional centers, for which the current $1,000 cap does not justify the cost-effective provision of premium service.

Enclosed is detailed justification for each of the actions proposed in this notification.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 205–4412.

Sincerely,

PAMELA J. TURNER,
Assistant Secretary for Legislative Affairs.

This letter indicates that the Homeland Security is considering raising the fees on temporary protective status. Let me tell my colleagues what that means.

Temporary protective status is generally given to those who are fleeing persecution in their countries; women who are fleeing domestic violence who happen to be immigrants; immigrants such as those fleeing from Bosnia or Kosovo during the time of war; immigrants who may be fleeing or may have fled from Iraq at the time of persecution from Saddam Hussein; those who are fleeing from Liberia, suffering from persecution over the years; those who are fleeing from Sudan, where we know there is much brutality and mutilation of men and women in that area. But the Homeland Security Department is proposing to raise the fees twofold.

These are the most vulnerable that come to our country. Many of them come to our country as the Statue of Liberty has said, give us your poor, your helpless and your persecuted.

I would ask the question that we would prefer, and I think the most important aspect of temporary protective status, it gives those who are fleeing persecution a legal status to stay in this country until the crisis has passed in their particular country.

Many of those who receive temporary protective status actually leave, and so it is not a question that they are seeking, if you will, permanent immigration status. It is a temporary status.

For those who may ultimately seek a permanent status, we already have sizeable fees for securing legal permanent residence; sizeable fees for individuals who want to use certain visas, such as family reunification; sizeable fees for workforce visas and J–1 visas and nurses visas. Those individuals are able and working to provide or to pay those kinds of fees.

We also have sizeable fees for citizenship, and I think that is right. The citizenship of the United States pays for the services that are rendered, and likewise, in a bill that I am offering, the Save America Comprehensive Immigration Reform Act, those same fees will help protect American jobs and provide Americans with training.

But the temporary protective status is for the vulnerable, and I believe that this amendment will ask the GAO to study the negative impact that it will make on those seeking temporary protective status and give guidance to the Homeland Security Department so that they can reconsider the suggestion that is being made to double the fees on these most vulnerable that are here in this country.

I would ask my colleagues to consider the vulnerability of these individuals and to support an amendment that asks the question why we must put a premium fee on those who are barely here and surviving because they had to flee to survive and to save their lives. I know that we are a just country and that we can do better, and I would ask my colleagues to support this amendment.

Madam Chairman, I rise with the distinguished Ranking Member of the Judiciary Committee from Michigan to offer Amendment No. 82, the ''Jackson Lee/Conyers GAO Study Amendment.'' To summarize this amendment, it would instruct the General Accounting Office (GAO) to conduct a study examining the impact of an increase in Temporary Protected Status (TPS) application fees on the nationals of countries for which TPS is available and the differential in cost between the current statutory fee and the cost-based fee proposed by Customs and Immigration Services (CIS). In addition, this amendment instructs GAG to conduct a study on the premium processing fee system and its possible application to individuals and families.

To further simplify the operative provisions of this amendment, it has two prongs: Prong One relates to the United States Citizenship and Immigration Services bureau (USCIS) fee increase for processIng applications for Temporary Protected Status (TPS) relief. USCIS would like to remove the cap limiting the amount of fees that can be collected for processing an application for TPS. The application fee for TPS has been fixed by statute at $50 since 1990. USCIS would like to raise the fee according to processing costs and inflation, following the existing regulatory process. USCIS argues that the $50 limit is inconsistent with the fee structure for other immigration benefit applications that are based on recovery of full processing costs.

TPS is an immigration category that allows non-citizens of designated countries to remain in the U.S following political strife or natural disasters in their native countries. TPS applicants are eligible for work authorization while their applications are pending. USCIS says that many of them have been working here for years when a disaster strikes their home country and they become eligible for TPS—thus they are able to pay increased fees, or can they seek a waiver for economic hardship. However, many TPS beneficiaries come from impoverished countries and are often in the U.S. visiting relatives or are here for other brief stays. It may not be the best policy to raise fees for TPS beneficiaries when they have no practical alternative but to remain in the United States.

If the fees were raised to the ridiculously high levels that other fees have been raised to over the last several years, DHS would likely wind up fielding many more fee waiver requests than they currently have to field.

Prong two relates to the USCIS proposal to expand Premium Processing Fees to individuals. USCIS wants to expand the authority of the Secretary of Homeland Security to establish premium processing fees for non-employment based immigration petitions and applications. Currently, premium processing is only available to employers seeking to hire an immigrant: It allows employers to pay a $1,000 fee to expedite employer-based immigration. Under the new amendment, any immigrant would be able to expedite their immigration paperwork if they could provide the additional $1,000 fee. Funds collected from this fee would be deposited in the Immigration Examinations Fee Account, with other adjudication fees, to support USCIS customer service.

USCIS says that they expect 10 million expedited applications in the first year and they requested funds to hire additional adjudicators to assist with this work.

Many immigration experts report serious problems with the use of premium fees in the employment-based context. They claim that

other employment-based applications and petitions are slowed down because DHS places more of its resources into adjudicating the premium requests.

Even if the premium fee was working well in the employment-based arena, it may not apply well in the family-based arena. Businesses can pass their costs on to consumers (or even compensate for those fees in the salary and benefits that they pay the workers), and so they do not necessarily care so much about the increased costs. Family-based applicants often cannot pass on increased costs to another payer.

This amendment calls on the GAO to examine the use of the premium fee in the employment-based arena before the practice is extended into the family-based arena. The study will look at the efficacy of the practice in the employment-based arena and whether it has slowed down adjudications for those who do not pay the premium. It also will look at the differences between family-based applicants and employment-based applicants and how their differences might result in different experiences.

The GAO should also study the proposal to exempt DHS from the Administrative Procedures Act (APA) and examine the questionable suggestion of tying application fees.

Madam Chairman, I ask that my colleagues support Mr. CONYERS and me on this amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition to the gentlewoman's amendment? The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I ask my colleagues to support the amendment, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in support of the Jackson Lee/Conyers amendment to H.R. 1817, which would direct the Government Accountability Office (GAO) to conduct a study of two Administration proposals to increase fees paid by applicants and petitioners for immigration services.

The administration's fiscal year 2006 budget submission proposed that Congress enact legislation to authorize the United States Citizenship and Immigration Services (USCIS) component of the Department of Homeland Security to increase the fee paid by applicants for Temporary Protected Status (TPS) above the statutory limit of $50.

The administration also has proposed that Congress enact legislation to extend a provision that permits USCIS to charge an extra fee for providing faster services to some employment-based immigration applicants and petitioners. The administration wants Congress to extend this program so that the extra fee can also be charged to family-based applicants and petitioners, as well.

The Jackson Lee/Conyers amendment would require that the Government Accountability Office conduct studies of each of these proposals so that Congress can have an opportunity to assess their consequences and impact before acting.

TPS Fee—When Congress enacted the TPS statute in 1990, it had the option of permitting the then-Immigration and Naturalization Service (INS) to set the fee at whatever level was necessary in order to pay for the cost of adjudicating an applicant's application. Instead, in recognition of the special circumstances faced by TPS beneficiaries, Congress opted to cap the TPS fee at $50.

By statutory definition, Mr. Chairman, TPS beneficiaries come from countries where there has been a natural disaster or an ongoing armed conflict and the foreign state is unable to handle their return. While it is certainly true that TPS applicants can get work authorization pending their requests, they would first have to pay the fee in order to be considered for work authorization and TPS status. Many TPS beneficiaries, Mr. Chairman, come from impoverished countries and are often in the U.S. visiting relatives or are here for other brief stays. It may not be the best policy to raising fees for TPS beneficiaries when they have no practical alternative but to remain in the United States.

If the fees for TPS are raised to the outrageous levels that other fees have been raised to in recent years, it could result in two unacceptable consequences. It could either drive would-be beneficiaries underground because they cannot afford to pay the fee. Or it could result in an exponential increase in requests for fee waivers, an outcome that would slow down adjudications for all other applications or immigration benefits. My amendment request that the GAO examine these potential consequences.

Premium Service Fee—Nearly five years ago, Congress enacted legislation giving the Administration the authority to charge a $1,000 premium fee for businesses that wish to expedite the adjudication of their employment-based immigration applications and petitions. The Administration has asked Congress to give it the authority to charge a similar fee to family-based applicants and petitions.

The accounts are mixed, Mr. Chairman, on how well the premium service fee for employment-based applications and petitions has worked. We have heard from some, for instance, that implementation of this diversion has resulted in a slowing down of adjudications for those businesses who decline to pay the extra $1,000. At a minimum, an impartial body should study how the premium service program is working in the business arena before extending it to family-based applications and petitions.

Moreover, Mr. Speaker, there are vast differences between the resources available to employment-based and family-based petitioners and applicants. Businesses often can pass on the costs of a premium fee to their customers or adjust the wages and benefits of the prospective employee to recover the extra cost. These options are not available to families, on the other hand.

If reports are true that implementation of the program in the employment arena has slowed down adjudications for those businesses that decline to pay the fee, expansion of the program to the family-based arena could have disastrous, unintended consequences for those families that cannot afford to pay an additional $1,000 for each application or petitions.

Conclusion—Mr. Chairman, the studies and reports that my amendment would mandate do not seek to prejudice the question of whether the administration should be given the new fee authorities that it has requested. Instead, my amendment would see the advice of impartial experts at the Government Accountability Office before Congress acts. I urge the adoption of this amendment.

□ 1545

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in part B of House Report 109–84.

AMENDMENT NO. 18 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 18 offered by Mr. NORWOOD:

Page 79, after line 6, insert the following (and amend the table of contents accordingly):

SEC. 509. FEDERAL AFFIRMATION OF ASSISTANCE IN IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of law and reaffirming the existing general authority, law enforcement personnel of a State or a political subdivision of a State are fully authorized to apprehend, detain, or remove aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by the Congress.

SEC. 510. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL IN ENFORCEMENT OF IMMIGRATION LAWS.

(a) TRAINING AND POCKET GUIDE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) COSTS.—The Department of Homeland Security shall be responsible for any costs incurred in establishing the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Department of Homeland Security shall make training of State and local law enforcement officers available

through as many means as possible, including residential training at Federal facilities, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace or otherwise adversely affect the training of Federal personnel.

(c) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising that officer's inherent authority to assist in the apprehension, arrest, detention, or transfer to Federal custody illegal aliens during the normal course of carrying out their law enforcement duties.

(d) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

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

(2) in paragraph (2), by adding at the end the following: ''Such training shall not exceed 14 days or 80 hours, whichever is longer.''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

REQUEST FOR MODIFICATION TO AMENDMENT NO. 18 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Madam Chairman, I ask unanimous consent to modify my amendment.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. NORWOOD to Amendment No. 18 printed in H. Rept. No. 109–84:

On page 1 of the amendment, strike out ''or remove'' in line 7.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from Georgia?

Mr. THOMPSON of Mississippi. Reserving the right to object, Madam Chairman, I would just say to my colleague that we have not been made aware of this amendment, and if for no other reason than we have not seen it.

Mr. NORWOOD. Madam Chairman, will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Georgia.

Mr. NORWOOD. Madam Chairman, I actually did not know who to come to talk to because we did not know who would be leading against this amendment.

If I may, it is a very, very simple drafting error in the bill on line 7 where we are saying that law enforcement personnel of a State or political subdivision of a State are fully authorized to apprehend and detain. Then it goes on to say ''or remove.'' ''Or remove'' should not have been in there.

And so we are just asking unanimous consent at this point to take that out and it will help the bill, and we are going to get it out somewhere anyway.

Mr. THOMPSON of Mississippi. Reclaiming my time, Madam Chairman, I object to the change.

The Acting CHAIRMAN. Objection is heard.

Mr. NORWOOD. Madam Chairman, the Norwood amendment would definitely clarify the existing authority, existing authority of State and local law enforcement personnel in assisting in the apprehension, detention, and transport of illegal aliens in the routine course of their daily duties. This last phrase, ''in the routine course of duty,'' is critical because the language ensures that law enforcement has certainty when they come in contact with illegal aliens that are breaking our laws.

My amendment also would require DHS to establish a training manual and pocket guide for law enforcement and set forth simple guidelines for making training available.

Madam Chairman, I need to make this perfectly clear. This authority for State and local law enforcement already exists, though there is some confusion. But law enforcement officers and agencies need some assurance from us that they can take appropriate action with authority when the laws are broken. Any confusion about what to do when law enforcement meets with lawbreakers needs to end.

Some will argue law enforcement does not have adequate resources. That is clearly just not the case. We passed yesterday over $4.5 billion for homeland security, including $690 million for custody management, funds to dramatically increase detention bed space, $88 million for the Institutional Removal Program, there is $211 million for transportation and removal of undocumented aliens, and a good amendment today authorizes another $40 million to help willing States and local law enforcement. There is also $6 billion in the pipeline for first responders, and many of them are from law enforcement.

Imagine if a State or local law enforcement did not enforce Federal drug laws, or if a highway patrolman was confused about the speed limits on Federal interstates. Would Congress allow States and local law enforcement to not enforce Federal laws on bank robbers or kidnappings or fraud? In the wake of the 9/11 terror, porous borders are a major security concern.

Madam Chairman, I sponsored a bill with nearly identical language last Congress, so this is not just thought up today. It was endorsed by the National Sheriffs Association, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and the 9/11 Families For a Secure America.

In addition, endorsements came from chiefs of police in Illinois, Iowa, Georgia, Indiana; and sheriffs from a slew of States endorsed similar language previously, including California, Michigan, Tennessee, North Carolina, Florida, Ohio, Texas, Washington, South Carolina, Oklahoma, Oregon, and in nearly a dozen more.

Colleagues, the only area of law that State and local law enforcement are not enforcing because they are unsure about what can be done is the immigration law. That should change. It must change. And this is the right time and the right bill to correct this critical matter.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

Madam Chairman, I encourage Members to vote ''no'' on the Norwood amendment. The Norwood amendment seeks to clarify the inherent authority of State and local law enforcement to apprehend, detain, remove, and transport illegal aliens in the routine course of duty. That is not what it does.

State and local police already have authority to report criminals who are foreign nationals to the Department of Homeland Security and to assist the Federal Government in criminal investigations. But current law does not allow law enforcement to pick up immigrants and deport them unilaterally. That is essentially what this amendment allows.

Do you want to give a local law enforcement officer the authority to remove people who they may suspect are in this country illegally; or would you prefer to have the Department of Homeland Security do that? Section 287(g) of INA, which provides for local law enforcement to enter into agreements with ICE, does not allow local law enforcement to remove an alien.

This amendment is also frightening because it allows a local police officer who receives no training at all on immigration law to deport someone. How does this police officer know that it is someone who should be deported? What documents should he ask for? What law has he violated?

This is a terrible amendment, Madam Chairman. Countless State and local police agencies have expressed concern about undermining public safety when ordinary immigrants start seeing them as agents of the Federal immigration service. We have comments from the chief of police in Nashville; chief of police in Hamtramck, Michigan; the sheriff and assistant sheriff in Orange County; along with Chief William Finney of the St. Paul Police Department, who all have expressed real concern about the apprehension, detaining, and deportation of illegal immigrants.

Instead of focusing on training State and locals to do the job of our fellow law enforcement officers, we need to do more to train and provide Federal law enforcement with the resources it needs to fully carry out the responsibilities of the Department to enforce immigration and Customs violations.

DHS already faces challenges in cross-training its own personnel and

integrating the various components into a cohesive unit and, thus, would face challenges in developing a cross-training manual for State and local law enforcement personnel.

Madam Chairman, this is why I am requesting that Members vote ''no'' on this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. NORWOOD. Madam Chairman, I yield myself 30 seconds and would point out there is no intention in this bill for local law enforcement to be able to deport anybody. In fact, if you had not objected to our amendment, that would have been clarified easily in this bill. And at the end of the day, that is simply not going to be the case.

Also, this bill is asking for training to help local law enforcement. I would simply say to my colleague that if he thinks local law enforcement ought not to help with this law because they do not know what they are doing, then maybe we ought to ask them not to help with any drug enforcement law because they do not know what they are doing. We are in that every day helping them.

Madam Chairman, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Chairman, I thank my colleague from Georgia for yielding me this time to talk about an issue that is extremely pressing to the citizens of the 8th district, and I rise in support of the Norwood amendment.

Illegal immigration is a difficult issue, but it is one that Congress must address and address it now. We have seen the ineffectiveness of border security and how the addition of more eyes can make a difference. There are now more ropes in the net helping stop our porous borders.

During my most recent time in my district, nearly all the questions I received related to the issues of immigration. It is extremely important. Right now it does not make sense to prevent law enforcement officers from protecting the people of the United States. There are about 700,000 State and local police officers, compared with only about 2,000 Immigration and Customs enforcement officers.

Our ICE agents are wonderful, but simply do not have the physical ability to be in every place to work on enforcement all throughout the interior of our country. In contrast, our police officers encounter illegal immigrants every day, whether it be through a traffic stop or serving a warrant. It does not make sense to stop them from helping enforce our immigration laws.

This amendment takes a baby step toward the goal of better interior enforcement by clarifying the legal authority of local officers and giving them some real training on the issue. It simply does not make sense for us to ignore the eyes and ears of hundreds of thousands of local officers.

Madam Chairman, I urge the adoption of the Norwood amendment.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

As I indicated earlier, Madam Chairman, the gentleman sought to clarify his amendment without providing us with the opportunity to see it and, for that reason, we objected. But even with the clarification, it still would have been problematic for our side. So for that reason, Madam Chairman, I continue to object and to oppose the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. NORWOOD. Madam Chairman, I yield myself 15 seconds just to remind the gentleman that if there are chiefs of police or State patrols in any particular State that do not want to be bothered by helping their Nation rid itself of terrorists, this is all voluntary. The gentleman can write them back and say we have passed a law, but you do not have to be involved.

Madam Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Madam Chairman, I thank the gentleman for yielding me this time. I rise in support of his amendment. I am a cosponsor of his legislation, and very proud to be. The gentleman has a commonsense solution to help us deal with the problem of illegal immigration.

In my area, as in other areas of the United States, we were built on immigration. We are not opposed to immigration. Our concern here is the enforcement of our laws. Today, many people arrive illegally and the Immigration and Naturalization Service estimated that in January of 2000 there were 7 million illegal aliens living in the United States, a number that is estimated to be growing by a half million a year.

Included in this total are more than 300,000 criminal aliens living in the United States. More importantly in that estimate, about 78,000 of them are from countries that are of special concern to us in the war on terror.

□ 1600

With only 2,000 interior immigration enforcement officers working in the United States, we need all of the help we can get to enforce our immigration and criminal laws. This problem became very clear in my district and a story that is common around the country. During a routine traffic stop, it was discovered there were a number of illegal aliens traveling across the State. When the local police called the local immigration office inquiring what they should do, they were told to release them. That is right, law enforcement, knowing these people were illegal aliens, were instructed to release them. That is common, unfortunately, because our local law enforcement has not gotten the assistance to help enforce immigration laws.

This incident builds upon a number of highly publicized cases where illegal immigrants were released from custody only to commit serious, heinous crimes such as rape and murder, further complicating the job of local law enforcement.

The Norwood amendment is a commonsense and carefully crafted solution to this problem. All we ask is when these types of incidents occur, we can address them and we will make a change and quit undermining our laws. This amendment restores sanity to our law, some sense in helping to address the shortfall of interior immigration enforcement by having cooperation of law enforcement at all levels.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, let me attribute good intentions to the gentleman from Georgia (Mr. NORWOOD) because I think the gentleman's amendment is grounded in frustration, but it is the wrong way to go.

We cannot allowed our State officials to be burdened by Federal responsibilities and authority as it relates to immigration responsibilities. This amendment has constitutional failings and is weak, if you will, or is weakened by the 10th amendment which clearly says certain items are left to the States and by interpretation certain responsibilities are left to the Federal Government. This amendment includes a responsibility to deport aliens. That is almost impossible for local law enforcement to be responsible for.

Secondarily, the responsibilities of local law enforcement engaging and apprehending undocumented immigrants or others that they might perceive to be such puts on them the responsibilities of further housing these individuals without funding. The $40 million that was offered just a few amendments back is not sufficient for all of the potential detainees that will be in the Nation's local and State jails.

This is a good-intentioned amendment but it is bad law and it cannot be implemented. I ask my colleagues to recognize the fact that again this will damper public safety. I would much rather local law enforcement be looking for the kidnapped child or the child that may be subjected to child abuse or child violence because of some tragedy that has happened in a local community. We have seen a wave of child kidnappings and a number of lives lost because of child predators.

There are so many issues that local law enforcement must engage in, this puts an unfunded burden on their particular obligations.

In addition, Madam Chairman, beyond this question of irresponsibility, this ends or it puts a block, if you will, to local law enforcement solving problems and crimes in the community. In our communities, all of the folk that live there are the neighbors. The neighbors have information. They may not be documented or they may be documented, but crime is not a respecter of

citizenship status. Local law enforcement's responsibility is bringing down the crime where they live, and no one wants to hear ''I could not get information because I could not talk to the immigrant community.''

Unfortunately, this amendment is something that I believe is blocked by the Constitution and the 10th amendment, and should be defeated.

Madam Chairman, I rise in opposition to the amendment designated as No. 59, offered by the gentleman from Georgia. The gentleman, in 2003, introduced the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 2671), and a companion measure was introduced in the other body entitled ''the Homeland Security Enhancement Act (S. 1906).'' These bills require police to enforce Federal immigration laws, or lose certain Federal funds. If this amendment, based on these bills, is enacted, it would put a muzzle on immigrant crime victims and witnesses, trading their safety for fear, at the expense of everyone who lives near, works with, and is related to the individuals targeted under this legislation.

THE PROPOSAL WOULD JEOPARDIZE PUBLIC SAFETY

The Norwood amendment would strike a direct blow at the efforts of police to win the trust and confidence of the communities they serve. If police become immigration agents, word will spread like wildfire among newcomers that any contact with police could mean deportation for themselves or their family members. Immigrants will decline to report crimes or suspicious activity, and criminals will see them as easy prey, making our streets less safe as a result. Experience shows that this fear will extend not only to contact with police, but also to the fire department, hospitals, and the public school system.

THE PROPOSAL WOULD UNDERMINE NATIONAL SECURITY

Security experts and law enforcement agree that good intelligence and strong relationships are the keys to keeping our Nation and our streets safe. Under Amendment No. 59, foreign nationals who might otherwise be helpful to security investigations will be reluctant to come forward, for fear of immigration consequences. If immigrant communities are alienated rather than embraced, local law enforcement loses important relationships that can lead to information they might not otherwise have access to.

THE NORWOOD AMENDMENT WOULD WEAKEN AN IMPORTANT CRIMINAL DATABASE

Law enforcement agencies now rely upon the FBI's National Crime Information Center (NCIC) database to give them timely and accurate information on criminals and dangerous people. This legislation would undermine the usefulness of the NCIC by loading it with information about millions of people with minor immigration violations. Poor data management at the former Immigration and Naturalization Service (INS) has resulted in numerous inaccurate records, further complicating matters for police who rely on the integrity of the NCIC. Even if the data was correct upon entry, case statuses often change and would have to somehow be updated in the FBI's database. This misguided proposal would lead to many false ''hits'' and unlawful detentions and arrests, wasting precious law enforcement resources.

AMENDMENT NO. 59 PURPORTS BUT IN EFFECT WILL NOT OPERATE TO APPREHEND CRIMINALS

Proponents of this amendment would say that it is necessary to help police deal with the ''criminal alien crisis.'' They ignore the fact that police already have the authority to arrest criminals, both in enforcing State or local laws and assisting the Federal Government. It is absurd to suggest that foreign nationals are somehow immune from our criminal laws unless this legislation passes, or that police are unable to detain criminals who are also immigration law violators.

Police also help the Federal Government deport criminals who are removable because of their offenses. Those areas of the country that have policies ensuring the confidentiality of crime victims' and witnesses' immigration status are also those who call the Federal Government most often to check the immigration status of crime perpetrators. These are often areas with large immigrant populations, so they understand the most effective policing strategies for these communities. They distinguish between enforcing criminal laws and enforcing civil immigration laws—a mandate best left to the Federal agencies who do not also have local crime-fighting responsibilities.

THE NORWOOD AMENDMENT LEAVES POLICE UNEQUIPPED FOR THE JOB

Federal immigration law is even more complex than the U.S. tax code and is constantly changing. Immigration agents undergo 17 weeks of intensive training before they are allowed ''on the beat,'' and they have unfettered access to case history data maintained by the Federal Government that helps them do their jobs. This amendment requires no training of local law enforcement and does not cover the full cost of training for those responsible departments who insist on it.

I have an amendment, Jackson-Lee No. 75, that seeks to require studies by the General Accountability Office (GAO) as to the genesis and degree of border violence at our Nation's borders. Similar to the State and local law enforcement agencies subject to the Norwood amendment, the Minuteman Project volunteers who have patrolled the Arizona border were untrained and lacked official support. Comprehensive training—which costs money, and Federal Government accountability, are required in order to ensure that the job of enforcing immigration law is done properly and in accordance with U.S. Constitutional principles.

THE AMENDMENT WILL IMPOSE NEW BUREAUCRATIC REQUIREMENTS ON UNDER-STAFFED PUBLIC AGENCIES

This amendment will also impose significant new reporting requirements on critically understaffed and under-funded local law enforcement agencies. The responsibilities of State and local police have increased dramatically since the September 11th terrorist attacks, and police simply do not have extra time on their hands to take on what is rightly a Federal duty.

THE AMENDMENT WILL BECOME ANOTHER UNFUNDED MANDATE ON STATES

The amendment would shift what has always been a Federal duty, immigration law enforcement, onto the States. It purports to give some additional resources to police who enforce immigration laws, while imposing monetary penalties on those departments that decline. But if the yearly battles for just a portion of reimbursements owed under the State Criminal Alien Assistance Program (SCAAP) are any indication, very little of the new money will actually make it into the coffers of local police departments. Not only will local governments be stuck footing the bill once again, but they risk loss of critical Federal dollars already earmarked for criminal law enforcement if they refuse to take on these new duties.

The Senate bill on which the amendment is based goes further by removing many of the monetary incentives promised in the House bill and imposing national standards on driver's licenses issued to foreign nationals. Once again, implementing these complicated standards comes with no new money attached, but with the threat of losing Federal highway safety funds for those States who do not comply.

PROVISIONS IN CURRENT LAW EXIST FOR AGENCIES THAT WISH TO HELP ENFORCE IMMIGRATION LAW

For those few State or local police agencies who do want to assist the Federal Government in enforcing immigration laws, a mechanism is available for them to do so. Section 287(g) of the immigration code outlines a process whereby State and local governments can enter into agreements with the Federal Government (MOUs, or memorandums of understanding) that permit them to receive training and enforce Federal immigration laws. MOUs are currently in place in Florida and Alabama.

THE AMENDMENT SKEWS FEDERAL LAW ENFORCEMENT PRIORITIES

When police identify immigration violators, they will have to call the Federal Government to take over. Law enforcement resources at the Federal level are also limited, which is why the Bureau of Immigration and Customs Enforcement (ICE) prioritizes searches for criminals and terrorists over immigrants with civil status violations. Will ICE agents come to collect every undocumented immigrant identified by local police? Amendment No. 59 tries to force them by permitting States and localities to seek funds for every undocumented immigrant the Federal Government fails to pick up. This means ICE has to put the same amount of resources into picking up undocumented workers as suspected terrorists. With 8,000,000 undocumented workers in the United States and an infinitely smaller cohort of foreign-born criminals and terrorists, this is hardly the right prioritization of Department of Homeland Security resources.

MAKING EVERY IMMIGRATION VIOLATION A CRIME HAS ENORMOUS COSTS

Many Federal immigration law violations are currently civil in nature. This amendment would classify all immigration status violations as Federal crimes, dramatically increasing the number of people who could be prosecuted, receive court-appointed attorneys, and end up incarcerated through the Federal criminal justice system. The costs would be enormous, and flooding the criminal system with civil violators would further delay justice for victims of real crimes.

THE AMENDMENT FORGETS THAT YOU CAN'T TELL BY LOOKING WHETHER ONE IS LEGAL OR NOT

There are nearly 11,000,000 naturalized U.S. citizens, and more than 25,000,000 native-born Americans of Latin American and Asian descent. In this free Nation we are not required to carry ''papers'' to prove our citizenship, and few of us do. Because police are not equipped to determine who has violated an immigration law, some will inevitably stop and question people of certain ethnic backgrounds, who speak foreign languages, or who have

accents in English. This ill-conceived amendment essentially encourages race- and ethnicity-based profiling.

AMENDMENT NO. 59 THREATENS CIVIL RIGHTS

Anticipating the likelihood of civil rights lawsuits spawned by this legislation, the bills purport to grant immunity from civil suits for officers who enforce immigration laws. This sends the wrong message if we are serious about eradicating racial profiling from U.S. law enforcement. Ultimately, police departments and localities gambling on this Congressional gesture would find themselves in court anyway, when the anti-civil rights provisions are challenged.

Madam Chairman, clearly, there are far too many areas of contention with this amendment that, if passed, would prove potentially injurious to citizens and aliens alike. For the reasons stated above, I strongly oppose this amendment and urge my colleagues to join me.

Mr. NORWOOD. Madam Chairman, I yield myself 2 minutes.

In response to the last speaker, number one, had the gentlewoman been here earlier, the gentlewoman would have heard about why this is not an unfunded mandate.

Number two, if the gentlewoman believes local law enforcement should not help the Federal Government find terrorists in this Nation, which people who cross our borders illegally they are amongst, I ask the gentlewoman to drop a bill so that local law enforcement does not help the Federal Government in bank robberies and murders and drug enforcement and everything else that local law enforcement helps the Federal Government do.

It is ridiculous to say that the 750,000 local law enforcement people should not be involved in this Nation trying to find some of the people who, for example, committed terror in this country on 9/11.

Yesterday we passed over $4.5 billion for homeland security, including $690 million for custody management, funds to dramatically increase detention bed space, $88 million for an institutional removal program, $211 million for transportation and removal of undocumented aliens, and an earlier amendment today authorized another $40 million to help willing State and local law enforcement. There is also $6 billion in the pipeline for first responders. Many of them are local law enforcement. And this is voluntary. If the City of Houston does not want to play, they do not have to. But the rest of us need our law enforcement people to help us get these terrorists out of this country, and there are somewhere between 10 and 15 million that have come across our borders because we have failed to do anything about it for nonsensical reasons. It is time for this to come to an end.

If Members are for correcting immigration in this country, vote for this. If Members are against immigration corrections and do not think it needs reform and want an open border, vote against it.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

I would like to say to my colleague every immigrant is not a terrorist. I would assume that was an error in the gentleman's comment. Clearly we have to be very careful. That is a Federal responsibility. What we are doing is passing that responsibility to State and local law enforcement and not funding the Department that ought to be having the responsibility for immigration.

Madam Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON–Lee).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the ranking member, and I have to associate myself with the gentleman's argument.

More importantly the gentleman from Georgia (Mr. NORWOOD) has made, if you will, my very point. Although we disagree, the point is not ridiculous. What we are saying is that he is suggesting that law enforcement massively go to the border and begin to arrest and deport individuals they perceive to be illegal aliens. There lies my angst and opposition to this massively confusing amendment.

The gentleman has in his amendment that local law enforcement, constables and sheriffs, will be responsible for deporting aliens. They do not even have the Federal jurisdiction to do so. By the way, deportation requires Federal intervention because there are proceedings which you have to go before. Unfortunately, we have short changed that side of the formula.

This is an unworkable amendment. It violates the 10th amendment of the Constitution. It violates the idea of protecting our national security. I ask my colleagues to defeat this amendment and help us do real immigration reform through the Federal Government.

Mr. NORWOOD. Madam Chairman, I yield myself 15 seconds, and say just because you say something is so does not mean it is so. This is a voluntary bill in which nobody is massing anywhere, nor does it imply that anywhere in this bill. It is totally voluntary, and local law enforcement are asked to work in line of duty.

Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. COX) to close the debate for this side.

Mr. COX. Madam Chairman, I think we need to return to the amendment that is before us. There has been a lot of heat and light generated in this debate, but the amendment itself is exceptionally simple.

It begins from the fact that current law provides for the training of State and local law enforcement officials to enforce Federal immigration laws. That is a voluntary program. There is no unfunded mandate in current law because there is no mandate. It is completely voluntary, and only those State and local law enforcement officials, those first responders who are seeking to partner with the Department of Homeland Security in obtaining this Federal training to enforce immigration laws, actually do so.

Second, in an amendment that was adopted earlier by voice vote, we provided $40 million in Federal funding to reimburse any costs incurred by State and local volunteers, that is State and local governments who volunteer for this training, in obtaining the training. So it is not unfunded either. It is a funded, voluntary program.

Lastly, what this amendment adds to existing law is simply to provide a training guide for this training that already exists and training flexibility to make sure that it meets the needs of State and local law enforcement officers.

The last thing it does is it corrects existing law, section 287(g) of the INA to substitute ''the Secretary of Homeland Security'' for the words ''Attorney General.'' This is something that we did in the technical corrections bill that was unanimously passed by the Select Committee on Homeland Security in the last Congress.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself the balance of my time.

This amendment, although well intended, crosses the line from my standpoint because it moves us away from a Federal responsibility to a State responsibility. This amendment tries to clarify the existing authority of State and local law enforcement personnel to apprehend, detain, remove and transport illegal aliens in the routine course of duty.

Additionally, this amendment requires DHS to establish a training manual on this matter and set forth simple guidelines for making that training available. State and local police already authorize and train to notify Federal law enforcement officials, are already highly qualified, and are fully trained to identify foreign nationals in custody.

Additionally, training in immigration law is not a simple task. A manual is simply not sufficient to train officers in the complexity of immigration law.

For example, DHS already faces challenges in cross-training its personnel and integrating the various components into a cohesive unit; and, thus, would face challenges in developing a cross-training manual for State and local law enforcement personnel.

So for these reasons, I am in opposition to the amendment.

Mr. NORWOOD. Madam Chairman, will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Georgia.

Mr. NORWOOD. Madam Chairman, I simply ask the gentleman to reconsider our unanimous consent to remove two words that would, I think, make an amendment that is going to pass better in your mind.

Mr. THOMPSON of Mississippi. I do not consent.

Mr. FARR. Madam Chairman, I rise today in opposition to this amendment offered by Mr.

NORWOOD. This amendment would essentially force local law enforcement agencies to enforce federal immigration laws.

The enactment of this amendment would strain already scarce state and local resources by creating an unfunded mandate, in addition to dividing communities around the country.

Coercing state and local police into becoming federal immigration agents does not benefit anyone involved. In addition to their other duties, local law enforcement officials and local and state administrators would be bogged down by determining criminal's immigration status. Community members will be hesitant to cooperate with local law enforcement for fear of ramifications against them and their family.

According to the Department of Justice statistics, violent and property crime rates have been falling steadily for at least the last 10 years. I have no doubt that this is largely due to community policing. This amendment would take away that idea. Our communities are better served by a police force that focuses on robbers, murderers and terrorists, as opposed to immigration status.

I do not support illegal immigration and believe that anyone who enters the U.S. in violation of U.S. immigration laws should be penalized. But that doesn't mean police who should be arresting drug dealers and breaking up gang activities should now be federally mandated to track down illegal aliens.

To me, this amendment is another example of the desperate need for an honest and comprehensive debate on immigration law in this country. Piecemeal ideas, such as this one, are detrimental to our communities at a microlevel. Our country is in need of an immigration policy that accounts for the fears 9/11 instilled, in addition to the hope that immigrants bring to our nation.

This amendment is ineffective and unnecessary policy and I urge my colleagues to cast a "no" vote.

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

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

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

Mr. THOMPSON of Mississippi. Madam Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 19 printed in part B of House Report 109–84.

There is no designee for amendment No. 19.

It is now in order to consider amendment No. 20 printed in part B of House Report 109–84.

□ 1615

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Acting CHAIRMAN (Mrs. CAPITO). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

Page 82, after line 4, add the following:

SEC. 407. REPORT ON BORDER VIOLENCE.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress on the number and type of border violence activities that have occurred in the 5-year period preceding such date.

(b) CONTENTS.—The report shall include the following:

(1) The number of such activities that have been documented.

(2) The types of activities involved.

(3) A description of the categories of victims.

(4) The risk of future activities.

(5) A description of the steps the Department is taking, and any plan the Department has formulated, to prevent such activities.

(c) DEFINITION.—For purposes of this section, the term ''border violence activity'' means any activity that—

(1) involves the unlawful use of, or the threat unlawfully to use, physical force with the intent to harm a person or property;

(2) occurs in the United States, not further than 25 miles from a United States border with Mexico or Canada; and

(3) occurs as part of an attempt to deter, retaliate against, or enable the entry of any person into the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Arizona (Mr. HAYWORTH) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

Let me describe the simplicity of my amendment. It is simply to ask the Secretary of Homeland Security not later than 6 months after the date of the enactment of this act, the Secretary of Homeland Security shall submit a report to Congress on the number and type of border violence activities that have occurred in the 5-year period preceding such date.

The report would include the number of such activities that have been documented; the types of activities involved; a description of the categories of victims; the risk of future activities; and a description of the steps the Department is taking, and any plan the Department has formulated to prevent such activities.

This is a straightforward amendment that clearly again reaffirms the ongoing theme of the homeland security authorization bill, that the responsibility of homeland security falls in the arms of the Federal Government, and we must not fail the American people.

We have seen citizens take up arms. They have first been in our neighboring State, in Arizona, a broad, desert-like area. There is now an intention for such citizen groups, unauthorized militia, to come into the States of Texas and California, New Mexico and who knows where else this amendment might be.

I am delighted to say that in the Committee on Homeland Security, we do have a consensus at least around the idea that we must understand the issues of border violence. I would like to thank the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) for working with me on the general issue.

I also raise for my colleagues our concern for the northern border and to remind them of the potential tragedy that was, if you will, inhibited or prohibited at the turn of the present century, 2000, when an individual was poised and walked across the northern border in order to do havoc, if you will, in Los Angeles. We know the borders are dangerous, and we want to have the kind of trained professional personnel to ensure the safety of the borders.

But we must also recognize the distinctiveness of the borders. I will use Texas as an example. It is heavily populated. It is a dense area. There is a lot of private land. Thereby, those who are in volunteer efforts may subject themselves to potential violence or incur violence. And so it is important that we have an understanding by the Department of Homeland Security to take charge of that, to understand the variety, if you will, the variety and the types of activities that could possibly happen.

I want to cite for my colleagues the incidences that may occur at the border and particularly from the individual who heads the Minuteman Project, indicated that the Texas border might be far more difficult than they might have expected. There may be a little danger going on. They might have to be a little careful. That is why this study and this report by the Department of Homeland Security is extremely important, the Secretary of Homeland Security. We must work in partnership to be able to protect the violence that may take place at the border.

Madam Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN), a senior member of the Committee on the Judiciary.

Mr. BERMAN. Madam Chairman, I thank the gentlewoman for yielding time. The point she raises now brings to mind a point I wanted to make about what is really an unbelievably reckless amendment offered by the gentleman from Georgia (Mr. NORWOOD) regarding empowering local police to detain and remove people based on illegal immigration status without checking or verifying that status with INS or the Federal agencies.

A group of people with no training in this particular effort will have the ability to pick up people, assume, or come to the conclusion that person is not here in legal status and, without checking with the Federal Government or the INS, to deport and remove that person from this country. That person may be an asylee, having a well-founded fear of persecution. The person may

not have the right documents on him but be a naturalized citizen or be here under some kind of temporary visa that he cannot show the police. It will all of a sudden give thousands and thousands of law enforcement officials an ability to do something.

Mr. HAYWORTH. Madam Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Madam Chairman, I just want to point out to the ranking member that I started this debate off saying there was a drafting error and we wanted to remove two words: ''or remove.'' Your side would not allow that to be removed. That would have solved the problem. We are going to get it solved even if it is in conference. We are going to get it done despite you, but we gave you the opportunity to do something about it.

Mr. HAYWORTH. Madam Chairman, I yield myself 3¼ minutes.

I rise in strong opposition to the amendment offered by my colleague from Texas. As you heard in her opening remarks, sadly, this amendment is an attempt to discredit worthy, nonviolent volunteers who dedicated their time and their energy to protect our Nation's borders last month. The Minuteman Project, Madam Chairman, is simply an outgrowth of the public's frustration with the Federal Government's failure to secure our borders. Indeed, what the Minutemen did was follow a time-honored tradition of petitioning our government for legitimate redress of grievance.

It is true that in terms of the political landscape, the ACLU and the Government of Mexico protested the group even before the patrol began; but the Minutemen effectively shut down a 20-mile stretch of border without a single credible report of violence committed by those citizen volunteers.

With reference to the notion of a study, Madam Chairman, I would simply say this: the records are intact. I will make them a part of the record right now. Attacks on border patrol agents by alien and drug smugglers are on the rise. In the Tucson sector alone during the first 6 months of this fiscal year, there were reported 132 assaults on agents, 14 more than all of last year. That is in the first 6 months of the fiscal year. Border patrol agents in Arizona are attacked once every 2 days, 64 times in a recent 3-month period.

Six border patrol agents assigned to the Tucson sector have been killed in the line of duty, including a 27-year-old agent fatally shot in June of 1998 near Nogales as he sought to arrest four men hauling marijuana into the United States. When I had occasion to visit with border patrol agents in March, they told me how snipers from the Mexican side of the border will actually shoot border patrol vehicle windshields out if the Mexican snipers deem these vehicles are parked too close to the border.

In 2004, border patrol agents arrested over 650 suspected terrorists. Madam Chairman, let me repeat that. In 2004, border patrol agents arrested over 650 suspected terrorists from countries of national security interest trying to cross our southern border. They expect the number will rise this year. In January of this year, border patrol in the Tucson sector impounded 557 smuggling vehicles, almost 35,000 pounds of marijuana, and 35,704 illegal aliens.

This amendment fails to address the violent attacks on our border patrol agents. It implies that citizens of the United States seeking redress and putting an end to the influx of terrorists and the illegal invasion of this country are wrong. The committees on Homeland Security and the Judiciary oppose this amendment. I urge my colleagues to vote ''no'' on the Jackson-Lee amendment.

Madam Chairman, I yield 1¼ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Chairman, illegal immigration costs this Nation $68 billion per year. That is not million; that is billion. This study changes the focus of the Department of Homeland Security. The Department of Homeland Security needs to be focusing on keeping those illegally in the country out. Citizen groups such as the Minutemen who performed a tremendous neighborhood watch function on our southern borders need to be commended and not slapped by an amendment like this.

Mr. HAYWORTH. Madam Chairman, I yield myself the balance of my time to make this point to my colleagues. I am sure it is not the intent of my colleague from Texas to try and imply that citizens engaged in lawful protest are somehow attempting to inspire violent acts. I know that is not the intent of my colleague. However, that would be the perverse result if this House would support that amendment. This House would then be on record saying that the lawful rights of citizens should be abridged to accommodate illegal acts by noncitizens. That is something this House and this government and the citizens of this Nation will not countenance.

Therefore, because of that, I would ask all my colleagues to join me in opposition to the Jackson-Lee amendment. Vote ''no.''

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

The slap in the face is to the hard-working border patrol agents who now are subjected to more jeopardy because volunteers are there, unauthorized, untrained, and the very words of the Minutemen who said that they fear going to Texas because most of the land is privately owned and security becomes a serious issue, said by the leader of the Minutemen. But I am not concerned about the Minutemen. I am concerned about saving lives.

If you want to save lives, vote for the Jackson-Lee amendment that helps to save lives by giving money to the border patrol agents and protecting those volunteers by telling them that they cannot be at the border unsafe, unsecured, untrained. We need the Department of Homeland Security to take charge.

Vote for the Jackson-Lee amendment.

Madam Chairman, I rise to bring a very important issue before the Committee of the Whole by way of an amendment designated as ''Jackson Lee #75.'' I would like to once again thank the distinguished Chairman of the Appropriations Subcommittee on Homeland Security and the Ranking Member for showing their awareness of the issue of border violence as one that rises to a level that requires Federal oversight by agreeing to the amendment that I offered yesterday during House consideration of the appropriations measure, H.R. 2360. I also thank the Chairman of the Committee on Homeland Security for his showing of commitment to addressing this issue by agreeing to collaborate with the Ranking Member from Mississippi and me to craft a bipartisan letter to the Department of Homeland Security to request the collection of data on this matter.

''Jackson Lee #75'' is based on the same premise of that amendment, and given that the appropriations measure has placed spending limitations with respect to national border patrol, it would only be logical and prudent for the authorization measure to emphasize the legislative intent to clearly define, monitor, and control this issue before it becomes an expenditure.

The purpose of this amendment is to put the American people on notice that the ''Minuteman Project'' has proposed to enter multiple borders in order to monitor for illegal border crossings.

American Federation of Government Employees (AFGE) Local No. 3332 and the Association for Residency and Citizenship of America (ARCA) support this important amendment that will prevent impediment to DHS's border security functions as well as the development of negative issues if groups such as the Minutemen attempt to enforce immigration law.

The Minuteman Project has good intentions, but we object to the potential negative social, legal, and economic impact that it can have on the Texas borders. The problem of porousness of the borders is a Federal Government problem. It is a Department of Homeland Security (DHS) problem. DHS has legal jurisdiction over the borders; therefore, it is DHS that must address our border security needs.

An unofficial, untrained, and uncontrolled militia is the wrong answer for a problem that is within the Federal Government's responsibility. If the job is not being done sufficiently, we must look to Congress and the Executive Branch to exercise oversight and to improve performance.

The Minuteman Project is headed for the Texas borders, and its presence will be the recipe for danger, conflict, and increased legal enforcement costs for the Federal Government. The Houston Chronicle reported on May 12 that the controversial group that began as a month-long engagement along the Arizona border plans to enter Texas to operate its hunt for illegal border crossings.

Other media and eyewitnesses have suggested that many of the participants in the Minuteman Project have carried firearms, incited retaliatory measures by gang members,

incited more groups to organize in a similar fashion along other American borders, and created a situation that suggests potential constraints on the individual civil rights of undocumented persons.

The arrival of this group to Texas is an example of what we feared during its initial engagement during the month of April—propagation in other borders. Empowerment of unofficial, untrained militia to carry out the functions of the Federal Government instead of simply improving the staffing situation at the Customs and Border Patrol and the Immigration, Customs, and Enforcement Agencies is a dereliction of duty and a condoning of potential vigilantism.

Several differences between the United States-Mexico border of Arizona and Texas make it potentially injurious for the arrival of the Minutemen. The traffic growth in Texas would dramatically increase the probability of injury or death of aliens or other innocent civilians.

In 2001, U.S. Customs inspectors logged 3,133,619 cargo trucks as they entered Texas border towns from Brownsville to El Paso, up from 1,897,888 commercial vehicles in fiscal year 1995, the year NAFTA took effect. Furthermore, the topography at the Texas borders are more dense and provide more places for people involved in violent disputes to hide. In addition, even as the leader of the Minuteman Project stated to the Houston Chronicle, 'there are serious logistical problems for patrols in Texas. Most of the land along the Texas border is privately owned, and some of it is urbanized, unlike the open land the group monitored in Arizona.'

What we need instead of a situation of potential violence, violation of civil rights, and costs associated with restoring peace and security at the borders is a comprehensive immigration plan like I proposed with the introduction of my legislation, the 'Save America Comprehensive Immigration Act, H.R. 2092.'

Effective, efficient, and safe border security requires properly trained personnel. We need to improve our Customs and Border Patrol and Immigration and Customs Enforcement agencies rather than empower militias to do their job. The enforcement job requires accountability, training in the area of human rights, language skills, non-violent restraint techniques, and weapons handling.

The legal accountability principles such as respondeat superior and vicarious liability do not clearly apply to the Minutemen for injuries or damage that may be sustained by the private properties that abut the Texas borders; the heavy stream of commerce constantly traversing the border; or innocent bystanders who may be in the wrong place at the wrong time.

The Jackson-Lee amendment seeks to prevent liability "powder kegs" from propagating nationally.

Madam Chairman, I ask that my colleagues support this amendment.

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

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

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

The Acting 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.

It is now in order to consider amendment No. 21 printed in part B of House Report 109–84.

AMENDMENT NO. 21 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 21 offered by Mr. MANZULLO:

At the end of title V, add the following new section:

SEC. 509. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), more than 50 percent of the components in any end product procured by the Department of Homeland Security that contains components shall be mined, produced, or manufactured inside the United States.

(b) AGREEMENTS DESCRIBED.—An agreement referred to in subsection (a) is any of the following:

(1) Any reciprocal procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Homeland Security has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

(2) Any international agreement to which the United States is a party.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 5 minutes.

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

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

My amendment strengthens the Buy American Act and restores the original intent that more than 50 percent of the components in end products purchased by the Department of Homeland Security shall be mined, produced, or manufactured inside the U.S.

The Buy American Act originally passed Congress during the Great Depression. The intent of Congress was that to qualify under the Buy American Act, a company had to have substantially all of a product made, grown, or mined in the U.S. However, regulations implementing the Buy American Act have subsequently redefined "substantially all" to mean simply greater than 50 percent.

Yet even that regulation has been weakened even further over the years. The Pentagon has used the public interest exception to waive the Buy American Act to treat the purchase of some foreign goods as if they were made in America. The original intent of the Buy American Act has been undermined by procurement memoranda of understanding among the U.S. and various foreign countries that permit the substitution of foreign components for components mined, produced, or manufactured inside the United States. These are not treaties or trade agreements approved by Congress. These were executive branch agreements not subject to review by Congress.

Thus, the Buy American laws are basically worthless. There are so many holes in that law that it means nothing when a company says they comply with the Buy American Act. The exception, and it is a big one, is that the domestic content requirement does not have to be met if the items are procured from certain designated foreign countries.

The Pentagon has memoranda of understanding with 21 developed countries that waive the Buy American Act because the Defense Department has determined that for these countries complying with the Buy American Act is "inconsistent with the public interest."

□ 1630

Basically, a company getting an award from the Pentagon can claim compliance with the Buy American Act without having to actually make anything in the United States as long as the components come from one of those 21 countries. Because the Department of Homeland Security has a very similar mission to the Department of Defense, protecting the territory of the U.S. from every possible enemy attack, we should not allow the DHS to waive the Buy American Act like the Pentagon has done without an affirmative vote by Congress.

The intent of Congress is to maintain the vibrant industrial base so that we may remain the strongest Nation on Earth. Even the founder of modern-day capitalism and free trade, Adam Smith, recognized the need for a nation to be able to depend upon its own industrial and agricultural base and not rely on foreign sources for its defense needs. We cannot maintain our role as global leader on a pure services-based economy.

It is also important to remember that this amendment does not increase the share of the Buy American Act. It simply codifies the content percentage of what is an existing regulation.

Madam Chairman, I urge adoption of this amendment.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, this amendment would radically change the current application of the Buy American Act, and it could place the United States in violation of most international trade agreements in which we are signatories, including the World Trade Organization's Government Procurement Agreement, something, by the way, we are working to get China to sign right now because of some of the restrictions they are putting on their procurement policy; the North American Free Trade Agreement; the U.S.-Israel Free Trade

Agreement; and the U.S.-Australia Free Trade agreement.

This restriction would have a devastating effect on the Department of Homeland Security's ability to buy the most high-tech and sophisticated products at a reasonable price to support our critical anti-terror efforts. We should be able to get the best high-technology goods at the lowest cost for the American taxpayer so that we can fight this war on terrorism in a cost-effective manner.

For instance, this amendment would sweep away the current $175,000 ceiling for the Buy American Act required for the application with the Trade Agreements Act of 1979. This is the basis for our participation in the Government Procurement Agreement.

The restriction would cause Customs and border protection problems in purchasing the best aircraft, the best camera equipment, the best surveillance equipment from the world market to protect our borders. Further, the amendment would interfere with critical research and development agreements we currently have with the United Kingdom. BlackBerrys, something that most Members use and are used widely throughout the government, are a Canadian product. Thirty, 40 percent of its components are made and manufactured in the United States, but they would be subject to restrictions put on by this amendment.

The United States is already challenged to compete in a global marketplace. We do not always have a competitive advantage. But dismantling the regime of free trade agreements that help create and support the vibrant world marketplace in the end only hurts American workers.

Besides violating our trade agreements, this provision will require the Department to pay an artificially high price for products it needs to protect us against terror. Homeland Security dollars are already scarce. We should not be wasting our Homeland Security dollars when U.S. citizens are volunteering their personal time to protect the southern border.

Under this amendment, businesses are required to certify compliance with the Buy American Act, potentially exposing American businesses to civil false claims and other sanctions even if they have made good-faith efforts to comply with the government-unique requirements. In a global marketplace where components are assembled throughout the world, it is often difficult to ascertain what that 50 percent margin is. This creates significant financial and legal burdens for industry, given that more and more information technology so critical for the fight against terror is being sourced in our global economy from around the world.

Some companies have responded to Buy American Act restrictions by establishing costly labor-intensive product-tracking systems that are not needed in their commercial business to ensure that products being sold to the government meet the government-unique requirements. But small businesses in particular often cannot afford to establish special systems for that kind of compliance. So this hurts small businesses trying to sell to the government in a global economy.

Some companies have simply stopped selling certain products in the Federal marketplace, denying us access to some of the latest, most cost-effective products. Further, this decrease in sales is disproportionately devastating to small businesses.

This radical, in my opinion, Buy American Act provision will impose financial and legal burdens on commercial companies that sell to our government. It may well prevent the Department of Homeland Security from obtaining the best technology to protect our Nation.

Again, BlackBerrys would be subject to this, something that most Members and most government workers use, because they are from a Canadian company. This increased restriction on the Department's ability to obtain needed technology from the world market is a Cold War anachronism. Given the Department of Homeland Security's growing reliance on information technology and other advanced products and the current global nature of the industry, the Department's ability to fulfill its critical anti-terror mission will be crippled by this restrictive provision.

I hope that Members have the sense to vote against this, and I urge that we defeat this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MANZULLO. Madam Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in support of his amendment.

As to the last speaker, let me tell the Members what is going on here. In the Department of Homeland Security, they are not allowed to buy civilian aircraft. What happened just recently was Eurocopter, which is subsidized by the French and German governments, that is a subsidy. That is in violation of the trade agreements, and no one is enforcing it. As a result, in my district Enstrom Helicopter lost a contract to build civilian helicopters for the Department of Homeland Security, and the cost for the French/German conglomerate was like $23 million more; so it is costing the taxpayers more money.

I think we have to make a decision in this Nation. Are we going to continue in these trade agreements that are not enforced? There are other countries that are subsidizing their workers, and we sit here and we develop contracts and say because of this treaty or this agreement, we cannot do it; but yet we do not enforce the provisions of it. And what we are really doing is telling the Department of Homeland Security, at least in the helicopter industry, that we will buy European helicopters as opposed to U.S. helicopters.

We can no longer continue this. Please support the Manzullo amendment.

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

Let me just say that what this amendment will require us to do with precious Homeland Security dollars is pay up to 50 percent more for goods that bear the American label and in many cases cost us access to the best high-technology surveillance equipment, lab equipment, equipment and cameras to protect our borders. I just do not think it makes any sense in this environment of a global economy, and I urge its defeat.

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

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

The gentleman from Virginia (Mr. TOM DAVIS) argues that the best technology is outside the United States. The whole purpose of this amendment is to try to do something about the 3 million manufacturing jobs we have lost in the past several years. This simply says whenever anybody agrees to abide by the Buy American Act, at least buy 50 percent of the content from America. The existing Buy American Act says they have to buy zero. Congress passed a law that says buy everything from America. The Department of Defense and other agencies say that only means 50 percent. Now there is a memorandum of understanding from the White House that says, by the way, if they buy from the 21 countries, they do not even need to meet the 50 percent.

This is very simple. It says if we want to keep technology in the United States, then buy the technology that is here. If a particular item has to be purchased and it is not made in the United States, then the Buy American Act simply does not apply.

This is a commonsense amendment. I am going to be offering it to every single authorization bill that I can, and I would urge Members to vote ''aye'' on this.

The Acting CHAIRMAN (Mrs. CAPITO). All time for debate has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in part B of House Report 109–84.

AMENDMENT NO. 22 OFFERED BY MR. PUTNAM

Mr. PUTNAM. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 22 offered by Mr. PUTNAM:

At the end of title V, add the following (and conform the table of contents accordingly):

SEC. 509. DISASTER ASSISTANCE FOR FUNERAL EXPENSES.

Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended by adding at the end the following: ''The President may provide assistance for funeral expenses under this paragraph only if a medical examiner determines that the death was caused by the major disaster.''.

MODIFICATION TO AMENDMENT NO. 22 OFFERED BY MR. PUTNAM

Mr. PUTNAM. Madam Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 22 offered by Mr. PUTNAM:

In lieu of the matter proposed to be added by the amendment add the following:

At the end of title V, add the following (and conform the table of contents accordingly):

SEC. 509. DISASTER ASSISTANCE FOR FUNERAL EXPENSES.

Not later than 90 days after the enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) develop criteria and guidelines for determining if a death is disaster-related; and

(2) require staff to provide for analysis of each request for funeral expense assistance in order to support approval or disapproval of such assistance.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from Florida?

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Florida (Mr. PUTNAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. PUTNAM).

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

Madam Chairman, I am delighted to be here to talk about what is an important issue for the whole country, but it came to light in the aftermath of the hurricanes in Florida.

Immediately after Hurricanes Charley, Frances, Ivan, and Jeanne ravaged the Sunshine State, with the help of this Congress hurricane disaster relief assistance was provided to help our State recover from those devastating storms. And while many of those who suffered damage are still waiting for FEMA recovery payments, there were a number of questionable payments that have been made as it related to funeral expenses for hurricane-related deaths.

For example, the instance in Pensacola of a recovering alcoholic with cirrhosis of the liver, after Hurricane Ivan blew through town on September 16, the gentleman went on a binge ''due to misery,'' his widow told the Miami Herald. He never fully recovered and died of respiratory failure. His funeral expenses were paid by the American taxpayer.

A gentleman from Palm Bay, Florida, died of lung cancer 6 days before Hurricane Frances made landfall. The gentleman was buried before the hurricane made landfall. His widow said that FEMA damage inspectors came to her home and suggested she might qualify for funeral expenses. She said that she did not think her husband's death was related to Hurricane Frances. She had her husband's funeral paid for by the American taxpayers.

The Inspector General in the Department of Homeland Security with a report that came out today echoed these concerns and called for two specific changes: a change that the Department should develop specific criteria and guidelines for determining if a death is disaster related, and a specific requirement that staff of FEMA provide for an analysis of each request and document the rationale for approval or disapproval of funeral-related assistance. This is an issue that is hugely important to Florida as we try to eliminate waste, fraud, and abuse and allow FEMA's limited resources to go to those who are truly in need.

We had offered a different approach to this as it related to medical examiners. With the work of the gentleman from Pennsylvania (Chairman SHUSTER), we were able to come to a resolution on the appropriate legislative language that solves this issue, and I am grateful to him for his leadership.

Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I appreciate the gentleman's working with us to modify language on his amendment. I think all of us know and I know specifically as I travel to Florida to review some of the damage and some of the problems that occurred during those hurricanes and with FEMA coming down there and things they did and did not do, I know firsthand that there are problems and we need to make these types of corrections.

I think the gentleman's amendment, by modifying it, has strengthened the language and put into law not just a process or a regulation by FEMA but these are going to be standards that FEMA is going to need to adhere to when they are determining whom to pay funeral expenses to, those who deserve and those who do not deserve. And we heard of cases, a couple of hundred of them in Florida where there was fraud, abuse, and they got funds to pay for funeral expenses; and I think this language is going to go a long way to making sure that that does not happen, not only in Florida but across this country.

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On the subcommittee that I chair, the Subcommittee on Economic Development, Public Buildings and Emergency Management, we are committed to working with my friend, the gentleman from Florida (Mr. PUTNAM), to talking to the FEMA folks and making sure they are reviewing these cases in the past, but also going forward.

So the gentleman has my commitment, and we will sit down and, as I said, talk to the folks from FEMA to see that we clear up this matter.

I thank the gentleman, and I appreciate him working with us.

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

The Acting CHAIRMAN (Mrs. CAPITO). Does any Member rise in opposition to this amendment?

Mr. PUTNAM. Madam Chairman, how much time remains?

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. PUTNAM. Madam Chairman, I want to just take that remaining time then to thank our delegation chairman, the gentleman from Fort Lauderdale (Mr. SHAW) for his efforts on this, and all of the other related FEMA issues; and thank the gentleman from Pennsylvania (Mr. SHUSTER). This is an important issue for the taxpayers, and it is important to make sure that people who are truly in need are assisted by FEMA and those who are not are not able to game the system. I appreciate the leadership of my colleagues.

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

The Acting CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. PUTNAM).

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 23 printed in Part B of House report 109–84.

AMENDMENT NO. 23 OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 23 offered by Mr. SOUDER:

At the appropriate place in the bill, insert the following:

SEC. _____. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF COUNTERNARCOTICS ENFORCEMENT AT DEPARTMENT OF HOMELAND SECURITY.

Section 7407(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3853) is amended by striking ''2005, there is authorized up to $6,000,000'' and inserting ''2005 or 2006, there is authorized up to $6,000,000 for each such fiscal year''.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, this is a very simple amendment. It merely extends the authorized appropriation for the Department of Homeland Security Office

of Counternarcotics Enforcement for one year for fiscal year 2006. In other words, it just inserts 2006 after 2005.

This office was created structurally as part of the Intelligence Reform and Terrorism Prevention Act in December of 2004. We realized that in narcotics, almost all the major interdiction agencies, Coast Guard, Border Patrol, and Legacy Customs, are inside Homeland Security. When you are pursuing international terrorists, you are going to pick up a share of narcotics as you control the border as much as we can, and as we move forward we have been picking up narcotics. But it cannot just be an afterthought.

Twenty-four thousand Americans die each year of drugs. We have had basically 3,300 roughly die of international terrorism since 2001 and, in that same time period, nearly 100,000 of narcotics deaths. So we need to stay focused. We need to do both things simultaneously. Furthermore, the terrorists are increasingly funded by narcotics.

The administration has been reluctant to adopt this. It is not a question of whether the individuals at the Department of Homeland Security are committed to counternarcotics; the question is, is there a structure in place that puts somebody at the table to make sure that they never forget that narcotics is part of the Department of Homeland Security's commission and what they are supposed to do. It is not just international terrorism, it is also home terrorism and the narcotics front.

So I appreciate the leadership of the gentleman from Illinois (Speaker HASTERT) and the cooperation of the Senate as we have created this office, and we have $6 million in authorized appropriations. If people followed the Homeland Security appropriations debate yesterday, they see the problem is that this office has all detailees in it. Even the head of this office is a detailee. We need full time, paid employees in this office.

Yesterday, when I withdrew my amendment to set aside this money, it was said that this comes out of the Office of the Secretary. That is the way the Department of Homeland Security would like to make it; but, in fact, our authorizing bill says that $6 million is to be assigned to the Office of Narcotics.

Now, many of us, including me, have detailees. Detailees are wonderful, but detailees come and go. They have multiple missions. The question is if you are really going to have a counternarcotics office, if this administration is going to stay focused on this, there has to be an office with some real staff, not people who come and go out of the office, and especially not a head who has to beg and borrow for detailees, and people who are assigned for short periods who may or may not know the issue, and a head of the office who is not even paid by the Department of Homeland Security.

It shows that this is a continual battle in multiple bills to make sure that narcotics is part of the structural part of the Department of Homeland Security, and that narcoterrorism is part of international terrorism. This amendment merely extends what we have already passed in this House for last year's authorization to the next year's authorization that says that up to $6 million can be spent in this office.

I am looking forward to the commitment from the gentleman from Kentucky (Chairman ROGERS) to make sure some of this money is, in fact, expended.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to this amendment?

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

Madam Chairman, I believe this is a noncontroversial amendment. I know the gentleman from Maryland (Mr. CUMMINGS), the ranking member of my subcommittee, has been very supportive of this also. We have worked together in a bipartisan way to make sure that this office is a real office, it has a real voice, it has real money, and I look forward to working with the appropriators to help make this happen.

Madam Chairman, this amendment would simply extend the authorized appropriation for the Department of Homeland Security Office of Counternarcotics Enforcement (OCNE) for fiscal year 2006. The Office was created by Congress in December 2004, as part of the Intelligence Reform and Terrorism Prevention Act (P.L. 108–458). The Office is tasked with oversight of all of DHS' drug interdiction activities, with reporting to Congress on the adequacy and success of those activities, and with facilitating the coordination of those activities. Section 7407(c) of the Intelligence Reform Act authorized up to $6 million of the Department's appropriation for departmental management and operations for fiscal year 2005 to be expended for the Office.

Despite this clear statement of Congressional intent, the President's overall budget, ONDCP's Drug Strategy Report, and ONDCP's Drug Budget summary make no mention of the OCNE. This raises the question of whether the Administration and DHS intend to establish OCNE and drug control as a priority.

The mission of the office remains just as important this year as last year. My amendment would therefore extend the current authorization of appropriations for the Office (contained in Section 7407(c) of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108–458) through fiscal year 2006.

Madam Chairman, I believe that if we are going to reauthorize DHS for fiscal year 2006, we should reauthorize the appropriation for this vital DHS component as well. It is my understanding that Chairman COX agrees with me, and is supporting this amendment. I hope that the other members of the House will join me in supporting this amendment, and H.R. 1817.

BACKGROUND ON THE DEPARTMENT OF HOMELAND SECURITY (DHS) OFFICE OF COUNTERNARCOTICS ENFORCEMENT (OCNE)

To assist DHS in meeting its vital counterdrug responsibilities, Congress originally created the Counternarcotics Officer (CNO) position. Unfortunately, the original law did not clearly define how the CNO was to fulfill those duties, nor did it give the CNO adequate status or resources to fulfill them.

In order to correct these problems, Congress passed the 9/11 Commission recommendations legislation in 2004 that replaced the CNO with a new Office of Counternarcotics Enforcement (OCNE).

Responsibilities of the Office of Counternarcotics Enforcement:

The Director of the Office of Counternarcotics Enforcement shall have oversight responsibility for any programs administered by the DHS that coordinate anti-drug activities within the Department or between the Department and other agencies.

The Director of the Office of Counternarcotics Enforcement shall represent the Department on all interagency coordinating committees, task forces, or other bodies intended to foster coordination and cooperation on anti-drug issues.

The Director of the Office of Counternarcotics Enforcement shall send reports to Congress concerning the Department's counternarcotics responsibilities.

The legislation authorized up to $6 million of the Department's management funds to be used for the new Office's budget for fiscal year 2005.

WHY THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT (OCNE) IS NEEDED

A. Connections Between Drugs and Terrorism

The huge profits created by drug trafficking have financed and will continue to finance terrorism throughout the world.

As President Bush noted in December 2001, just a few months after the 9/11 attacks, "[T]he traffic in drugs finances the work of terror, sustaining terrorists . . . terrorists use drug profits to fund their cells to commit acts of murder."

Furthermore, as the U.S. steps up its efforts against more legitimate sources of funding, terrorist organizations will increasingly turn to drugs and similar illegal sources. As the 9/11 Commission has noted, the federal government, including DHS, must be able to adapt to these shifting strategies of the terrorists.

B. DHS and Drug Interdiction

Strong DHS action against drug trafficking is vital to our overall efforts to stop the financing of terrorist activities. It was for this reason that Congress specifically provided that the primary mission of the Department included the responsibility to "monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking" (6 U.S.C. 111(b)(1)(G))

DHS combines all of our main drug interdiction agencies: the Coast Guard, legacy Customs Service, and the Border Patrol. No other department has so many of the nation's "ground troops" who patrol our borders for drugs.

While many divisions of DHS have a vital counternarcotics mission, none of them is exclusively focused on counternarcotics. In a department whose reason for creation is counterterrorism, there is a risk that the anti-drug mission will be neglected.

The Director of the Office of Counternarcotics Enforcement (OCNE) will help keep DHS subdivisions focused on counternarcotics. He is the only official at DHS whose primary duty is counternarcotics.

C. Office of National Drug Control Policy (ONDCP) and OCNE

Despite clear Congressional intent, the President's overall FY 2006 budget, ONDCP's FY 2006 Drug Strategy Report and ONDCP's FY 2005 Drug Budget summary make no mention of the OCNE.

This raises the question of whether the Administration and DHS intend to establish OCNE and drug control as a priority.

WHAT THE SOUDER ''OCNE'' AMMENDMENT DOES

My amendment would extend the current authorization of appropriations for the Officer (contained in Section 7407(c) of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108–458) through fiscal year 2006.

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

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 24 printed in Part B of House report 109–84.

AMENDMENT NO. 24 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Madam Chairman, I offer an amendment in the nature of a substitute made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment No. 24 in the Nature of a Substitute offered by Mr. THOMPSON of Mississippi:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Complete Homeland Security Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Departmental management and operations.
Sec. 103. Information analysis and infrastructure protection.
Sec. 104. Science and technology.
Sec. 105. Security enforcement and investigations.
Sec. 106. Emergency preparedness and response.
Sec. 107. Office of the Inspector General.

TITLE II—9/11 REFORM BILL ACCOUNTABILITY

Sec. 201. Report on budget request for programs authorized by Public Law 108–458.

TITLE III—SECURING OUR ENTIRE BORDER ALL THE TIME, EVERY DAY OF THE WEEK

Subtitle A—Securing our land borders

Sec. 301. Land border security strategy.
Sec. 302. Deployment of surveillance systems along U.S.-Mexico border.
Sec. 303. Creation of northern and southern border coordinators.
Sec. 304. Smart border accord implementation.
Sec. 305. Requiring a vulnerability assessment of land ports of entry.
Sec. 306. Study to determine appropriate level and allocation of personnel at ports of entry and border patrol sectors.
Sec. 307. Assessment of study by Comptroller General.
Sec. 308. Authorization of appropriations for increase in full-time Border Patrol agents.
Sec. 309. Border Patrol unit for Virgin Islands.
Sec. 310. Requiring report on the ''One Face at the Border Initiative''.

Subtitle B—CIS workflow study

Sec. 311. CIS workflow, technology, and staffing assessment.

Subtitle C—Report on border violence

Sec. 321. Studies related to feasibility and cost of locating and removing eight million undocumented aliens from United States.

Subtitle D—Center of Excellence on Border Security

Sec. 331. Center of Excellence on Border Security.

TITLE IV—SECURING CHEMICAL PLANTS AND OTHER CRITICAL INFRASTRUCTURE

Subtitle A—Chemical Security Improvement

Sec. 411. Short title.
Sec. 412. Definitions.
Sec. 413. Vulnerability assessments and site security plans.
Sec. 414. Whistleblower protection.
Sec. 415. Alternative approaches.
Sec. 416. Enforcement.
Sec. 417. Interagency technical support and cooperation.
Sec. 418. Penalties.
Sec. 419. Protection of information.
Sec. 420. No effect on requirements under other law.

Subtitle B—Critical infrastructure prioritization

Sec. 421. Critical infrastructure.
Sec. 422. Security review.
Sec. 423. Implementation report.

TITLE V—SECURING AIRPORTS, BAGGAGE, AND AIR CARGO

Subtitle A—Prohibition against increase in security service fees

Sec. 501. Prohibition against increase in security service fees.

Subtitle B—Aviation security

Sec. 511. Federal flight deck officers.
Sec. 512. Letters of intent.
Sec. 513. Aviation security capital fund.
Sec. 514. Airport checkpoint screening explosive detection.
Sec. 515. Flight communications.
Sec. 516. Airport Site Access and Perimeter Security.
Sec. 517. MANPAD countermeasure research.
Sec. 518. Air charter and general aviation operations at Ronald Reagan Washington National Airport.
Sec. 519. Inspection of cargo carried aboard commercial aircraft.

TITLE VI—SECURING TRAINS ACROSS AMERICA

Subtitle A—Public Transit Security

Sec. 601. Short title.
Sec. 602. Homeland security public transportation grants.
Sec. 603. Training exercises.
Sec. 604. Security best practices.
Sec. 605. Public awareness.
Sec. 606. National Transportation Security Centers.
Sec. 607. Whistleblower protections.
Sec. 608. Definition.
Sec. 609. Memorandum of agreement.

Subtitle B—Rail Security

Sec. 611. Short title.

CHAPTER 1—RAILROAD SECURITY

Sec. 621. Railroad transportation security.
Sec. 622. Freight and passenger rail security upgrades.
Sec. 623. Fire and life-safety improvements.
Sec. 624. Rail security research and development program.
Sec. 625. Rail worker security training program.
Sec. 626. Whistleblower protection.
Sec. 627. Public outreach.
Sec. 628. Passenger, baggage, and cargo screening.
Sec. 629. Emergency responder training standards.
Sec. 630. Information for first responders.
Sec. 631. TSA personnel limitations.
Sec. 632. Rail safety regulations.
Sec. 633. Rail police officers.
Sec. 634. Definitions.

CHAPTER 2—ASSISTANCE TO FAMILIES OF PASSENGERS

Sec. 641. Assistance by national transportation safety board to families of passengers involved in rail passenger accidents.
Sec. 642. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents.
Sec. 643. Establishment of task force.

TITLE VII—SECURING CRITICAL INFRASTRUCTURE

Sec. 701. Critical infrastructure.
Sec. 702. Security review.
Sec. 703. Implementation report.

TITLE VIII—PREVENTING A BIOLOGICAL ATTACK

Sec. 801. GAO Report of Department biological terrorism programs.
Sec. 802. Report on bio-countermeasures.

TITLE IX—PROTECTION OF AGRICULTURE

Sec. 901. Report to Congress on implementation of recommendations regarding protection of agriculture.

TITLE X—OPTIMIZING OUR SCREENING CAPABILITIES

Subtitle A—U.S. visitor and immigrant status indicator technology database

Sec. 1001. Interoperability of data for United States Visitor and Immigrant Status Indicator Technology.

Subtitle B—Studies to improve border management and immigration security

Sec. 1011. Study on biometrics.
Sec. 1012. Study on digitizing immigration benefit applications.
Sec. 1013. Study on elimination of arrival/departure paper forms.
Sec. 1014. Cataloguing immigration applications by biometric.

TITLE XI—SECURING CYBERSPACE AND HARNESSING TECHNOLOGY TO PREVENT DISASTER

Subtitle A—Department of Homeland Security Cybersecurity Enhancement

Sec. 1101. Short title.
Sec. 1102. Assistant Secretary for Cybersecurity.
Sec. 1103. Cybersecurity training programs and equipment.
Sec. 1104. Cybersecurity research and development.

Subtitle B—Coordination with National Intelligence Director

Sec. 1111. Identification and implementation of technologies that improve sharing of information with the National Intelligence Director.

Subtitle C—Cybersecurity research
Sec. 1121. Support of basic cybersecurity research.
Subtitle D—Cybersecurity training and equipment
Sec. 1131. Cybersecurity training programs and equipment.
TITLE XII—HELPING FIRST RESPONDERS GET THEIR JOB DONE
Subtitle A—Communications interoperability
Sec. 1201. Interoperable communications technology grant program.
Sec. 1202. Study reviewing communication equipment interoperability.
Sec. 1203. Prevention of delay in reassignment of dedicated spectrum for public safety purposes.
Subtitle B—Homeland security terrorism exercises
Sec. 1211. Short title.
Sec. 1212. National terrorism exercise program.
Subtitle C—Citizenship Preparedness
Sec. 1221. Findings.
Sec. 1222. Purposes.
Sec. 1223. Citizens Corps; Private sector preparedness.
Subtitle D—Emergency medical services
Sec. 1231. Emergency Medical Services Administration.
Sec. 1232. Sense of Congress.
Subtitle E—Lessons learned information sharing system
Sec. 1241. Lessons learned, best practices, and corrective action.
Subtitle F—Technology transfer clearinghouse
Sec. 1251. Short title.
Sec. 1252. Technology development and transfer.
Subtitle G—Metropolitan medical response system
Sec. 1261. Metropolitan Medical Response System; authorization of appropriations.
TITLE XIII—FIGHTING DOMESTIC TERRORISM
Sec. 1301. Advisory Committee on Domestic Terrorist Organizations.
TITLE XIV—CREATING A DIVERSE AND MANAGEABLE DEPARTMENT OF HOMELAND SECURITY
Subtitle A—Authorities of Privacy Officer
Sec. 1401. Authorities of Privacy Officer.
Subtitle B—Ensuring diversity in Department of Homeland Security programs
Sec. 1411. Annual reports relating to employment of covered persons.
Sec. 1412. Procurement.
Sec. 1413. Centers of Excellence Program.
Subtitle C—Protection of certain employee rights
Sec. 1421. Provisions to protect certain employee rights.
Subtitle D—Whistleblower protections
Sec. 1431. Whistleblower protections.
Subtitle E—Authority of Chief Information Officer
Sec. 1441. Authority of Chief Information Officer.
Subtitle F—Authorization for Office of Inspector General
Sec. 1451. Authorization for Office of Inspector General.
Subtitle G—Regional office
Sec. 1461. Colocated regional offices.
Subtitle H—DHS terrorism prevention plan
Sec. 1471. Short title.
Sec. 1472. Department of Homeland Security Terrorism Prevention Plan.
Sec. 1473. Annual crosscutting analysis of proposed funding for Department of Homeland Security programs.
Subtitle I—Tribal security
Sec. 1481. Office of Tribal Security.
TITLE XV—SECURING OUR PORTS AND COASTLINES FROM TERRORIST ATTACK
Sec. 1501. Security of maritime cargo containers.
Sec. 1502. Study on port risks.
TITLE XVI—AUTHORITY OF OTHER FEDERAL AGENCIES
Sec. 1601. Authority of other Federal agencies unaffected.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Homeland Security $41,036,180,000 for fiscal year 2006.

SEC. 102. DEPARTMENTAL MANAGEMENT AND OPERATIONS.

Of the amount authorized under section 101, there is authorized for departmental management and operations, including management and operations of the Office for State and Local Government Coordination and Preparedness, $6,463,000,000.

SEC. 103. INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.

Of the amount authorized under section 101, there is authorized for information analysis and infrastructure protection programs and activities $873,245,000.

SEC. 104. SCIENCE AND TECHNOLOGY.

Of the amount authorized under section 101, there is authorized for science and technology programs and activities $1,827,400,000, of which $418,000,000 shall be appropriated for aviation-security-related research and development, $115,000,000 shall be appropriated for the Man-Portable Air Defense Systems, and $35.4 million will be appropriated for biological countermeasures and agricultural defense.

SEC. 105. SECURITY ENFORCEMENT AND INVESTIGATIONS.

Of the amount authorized under section 101, there is authorized for expenses related to border and transportation security, immigration, and other security and related functions, $28,414,000,000, of which $380,000,000 shall be appropriated for the hiring of 2,000 new border patrol agents.

SEC. 106. EMERGENCY PREPAREDNESS AND RESPONSE.

Of the amount authorized under section 101, there is authorized for emergency preparedness and response programs and activities, $3,258,531,000.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

Of the amount authorized under section 101, there is authorized for the Office of the Inspector General, $200,000,000.

TITLE II—9/11 REFORM BILL ACCOUNTABILITY

SEC. 201. REPORT ON BUDGET REQUEST FOR PROGRAMS AUTHORIZED BY PUBLIC LAW 108–458.

(a) EXPLANATION OF HOMELAND SECURITY FUNDING SHORTFALL.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this section, the President shall submit to Congress a report that explains each homeland security funding shortfall included in the budget submitted to Congress for fiscal year 2006 under section 1105(a) of title 31, United States Code, including the rationale for requesting less than the authorized level of funding for each such funding shortfall.

(2) ANNUAL REPORTS.—Not later than 15 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that explains each homeland security funding shortfall included in the budget for the fiscal year, including the rationale for requesting less than the authorized level of funding for each such funding shortfall.

(b) DEFINITION OF HOMELAND SECURITY FUNDING SHORTFALL.—In this section, the term ''homeland security funding shortfall'' means a program authorized by Public Law 108–458 for which the amount of authorization of appropriation for a fiscal year—

(1) is specified under such Act, and the President does not request under such budget the maximum amount authorized by such Act for such fiscal year; or

(2) is not specified under such Act, and the President does not request under such budget an amount sufficient to operate the program as required by such Act.

TITLE III—SECURING OUR ENTIRE BORDER ALL THE TIME, EVERY DAY OF THE WEEK

Subtitle A—Securing Our Land Borders

SEC. 301. LAND BORDER SECURITY STRATEGY.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the heads of all other Federal agencies with border-related functions or with facilities or lands on or along the border, shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) unclassified and classified versions of a unified, comprehensive strategy to secure the land borders of the United States not later than 6 months after the date of the enactment of this Act. The submission should include a description of the actions already taken to implement the strategy.

(b) CONTENTS.—The report shall cover the following areas:

(1) Personnel.

(2) Infrastructure.

(3) Technology.

(4) Coordination of intelligence among agencies.

(5) Legal responsibilities and jurisdictional divisions.

(6) Apprehension.

(7) Budgetary impact.

(8) Flow of commerce and economic impact.

(c) CONSULTATION.—In creating the strategy described in subsection (a), the Federal agencies described in such subsection shall consult private sector organizations and nongovernmental organizations with national security, privacy, agriculture, immigration, customs, transportation, technology, legal, and business expertise.

(d) IMPLEMENTATION.—The Secretary shall implement the strategy not later than 12 months after the date of the enactment of this Act.

(e) EVALUATION.—The Comptroller General of the United States shall track, monitor, and evaluate such strategy to secure our borders to determine its efficacy.

(f) REPORT.—Not later than 15 months after the date of the enactment of this Act, and every year thereafter for the succeeding 5 years, the Comptroller General of the United States shall submit a report to the Congress on the results of the activities undertaken under subsection (a) during the previous year. Each such report shall include an analysis of the degree to which the border security strategy has been effective in securing our borders. Each such report shall include a collection and systematic analysis of data, including workload indicators, related to activities to improve and increase border security.

SEC. 302. DEPLOYMENT OF SURVEILLANCE SYSTEMS ALONG U.S.-MEXICO BORDER.

(a) INITIAL THREAT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the threat of penetration of the land borders of the United States, between the ports of entry, by terrorists and criminals, and the threat to of such areas to terrorist attack. In carrying out the threat assessments under this paragraph, the Secretary shall categorize the vulnerability of each land border corridor as ''high'', ''medium'', or ''low'' and shall prioritize the vulnerability of each land border corridor within each such category. In conducting the threat assessment, the Secretary of Homeland Security shall consult with appropriate Federal, tribal, State, local, and private sector representatives.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Homeland Security of the United States House of Representatives a report that contains—

(A) the results of the threat assessments conducted under paragraph (1);

(B) with respect to each land border corridor categorized under paragraph (1) as either a ''high'', ''medium'' or ''low'' land border corridor, descriptions of—

(i) infrastructure and technology improvement projects required for each land border corridor in order to reduce its vulnerability; and

(ii) the resources required to make such improvements; and

(C) a description of how the funds will be used to implement technology and infrastructure improvement projects.

(b) FOLLOW-UP THREAT ASSESSMENTS.—The Secretary of Homeland Security shall conduct follow-up threat assessments of the land border between the ports of entry every 2 years and shall submit such reports to the Committee on Homeland Security of the House of Representatives.

(c) PLAN.—Not later than December 31, 2005, the Secretary of Homeland Security shall develop a comprehensive plan to fully deploy technological surveillance systems along the United States land borders between the ports of entry. Surveillance systems included in the deployment plan must—

(1) ensure continuous monitoring of every mile of such borders; and

(2) to the extent practicable, be fully interoperable with existing surveillance systems and mission systems, such as the Integrated Surveillance Intelligence Systems already in use by the Department of Homeland Security.

SEC. 303. CREATION OF NORTHERN AND SOUTHERN BORDER COORDINATORS.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 seq.) is amended—

(1) in section 402, by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following:

''(8) Increasing the security of the United States at the ports of entry located along the northern and southern borders, and improving the coordination among the agencies responsible for maintaining that security.''; and

(2) in subtitle C, by adding at the end the following:

''SEC. 431. BORDER COORDINATORS.

''(a) IN GENERAL.—There shall be within the Directorate of Border and Transportation Security the positions of Northern Border Coordinator and Southern Border Coordinator, who shall be appointed by the Secretary and who shall report directly to the Under Secretary for Border and Transportation Security.

''(b) RESPONSIBILITIES.—The Northern Border Coordinator and the Southern Border Coordinator shall undertake the following responsibilities along the northern and southern borders, respectively—

''(1) serve as the primary official of the Department responsible for coordinating all Federal security activities along the border, especially at land border ports of entry;

''(2) provide enhanced communication and data-sharing between Federal, State, local, and tribal agencies on law enforcement, emergency response, or security-related responsibilities for areas on or adjacent to the borders of the United States with Canada or Mexico;

''(3) work to improve the communications systems within the Department to facilitate the integration of communications of matters relating to border security;

''(4) oversee the implementation of the pertinent bilateral agreement (the United States-Canada 'Smart Border' Declaration applicable to the northern border and the United States-Mexico Partnership Agreement applicable to the southern border) to improve border functions, ensure security, and promote trade and tourism;

''(5) consistent with section 5, assess all land border ports of entry along the appropriate border and develop a list of infrastructure and technology improvement projects for submission to the Secretary based on the ability of a project to fulfill immediate security requirements and facilitate trade across the borders of the United States; and

''(6) serve as a liaison to the foreign agencies with responsibility for their respective border with the United States.''.

(b) CLERICAL AMENDMENT.—Section 1(b) of such Act is amended in the table of contents by inserting after the item relating to section 430 the following:

''431. Border coordinators.''.

SEC. 304. SMART BORDER ACCORD IMPLEMENTATION.

The President shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) information about the ongoing progress on implementation of the Smart Border Accords through quarterly reports on meetings of the Smart Border Working Group.

SEC. 305. REQUIRING A VULNERABILITY ASSESSMENT OF LAND PORTS OF ENTRY.

(a) INITIAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the vulnerability of each United States land port of entry to penetration by terrorists and criminals or terrorist attack. In carrying out assessments under this paragraph, the Secretary shall categorize the vulnerability of each port of entry as ''high'', ''medium'', or ''low'' and shall prioritize the vulnerability of each port of entry within each such category. In conducting the assessment, the Secretary of Homeland Security shall consult with appropriate State, local, tribal, and private sector representatives.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate congressional committees (as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report that contains—

(A) the results of the assessment conducted under paragraph (1);

(B) with respect to each port of entry categorized under paragraph (1) as either a ''high'' or ''medium'' vulnerability port of entry, descriptions of—

(i) infrastructure and technology improvement projects required for the port of entry in order to reduce its vulnerability; and

(ii) the resources required to make such improvements; and

(C) a description of how the funds will be used to implement technology and infrastructure improvement projects.

(b) FOLLOW-UP ASSESSMENTS.—The Secretary of Homeland Security shall conduct follow-up assessments of land border ports of entry every 2 years and shall submit such reports to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).

SEC. 306. STUDY TO DETERMINE APPROPRIATE LEVEL AND ALLOCATION OF PERSONNEL AT PORTS OF ENTRY AND BORDER PATROL SECTORS.

(a) STUDY.—The Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall conduct a study to determine the necessary level and allocation of personnel of the Bureau (including support staff) at United States ports of entry and between ports of entry in order to fully carry out the functions of the Bureau at such ports and locations. The Commissioner shall update and revise the study on an annual basis as appropriate.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In conducting the study pursuant to subsection (a), the Commissioner shall take into account the following:

(A) The most recent staffing assessment from each port director and the head of each border patrol sector, as required under paragraph (2).

(B) The most recent relevant information, analyses, and vulnerability assessments relating to ports of entry and areas between ports of entry, as described in paragraph (3) of section 201(d) of the Homeland Security Act of 2002, and made available to the Commissioner in accordance with paragraph (18) of such section.

(C) Any requests for additional personnel, if needed, from each port director and the head of each border patrol sector, including a description of whether the additional personnel should be assigned on a temporary or permanent basis.

(D) An analysis of the impact of new available technology on staffing requirements of the Bureau.

(E) An analysis of traffic volume and wait times at ports of entry.

(F) An analysis of the training regimen for new officers of the Bureau and inspectors from the former Customs Service and the former Immigration and Naturalization Service and the extent to which the creation of the Bureau's Officer position has changed the personnel needs of the Department.

(2) ADDITIONAL REQUIREMENT.—Each port director and the head of each border patrol sector shall complete and submit to the Commissioner on an annual basis an assessment of the level and allocation of personnel necessary to carry out the responsibilities of such port director or the head of such border patrol sector, as the case may be.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner shall prepare and submit to the Comptroller General and Congress a report that contains the results of the study conducted pursuant to subsection (a).

(2) SUBSEQUENT REPORTS.—The Commissioner shall prepare and submit to the Comptroller General and Congress on not less than an annual basis a report that contains each updated or revised study.

SEC. 307. ASSESSMENT OF STUDY BY COMPTROLLER GENERAL.

(a) ASSESSMENT.—The Comptroller General shall conduct an assessment of the study conducted by the Bureau of Customs and

Border Protection under section 306 and shall conduct an assessment of each update or revision to the study. In conducting the assessment, the Comptroller General is authorized to solicit input from any personnel of the Bureau.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report that contains the results of each assessment conducted pursuant to subsection (a), including any recommendations thereto that the Comptroller General determines to be appropriate.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS FOR INCREASE IN FULL-TIME BORDER PATROL AGENTS.

(a) INCREASE.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000,000 for fiscal year 2006 to increase by not less than 2,000 the number of positions for full-time active-duty Border Patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for fiscal year 2005.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security $80,000,000 for fiscal year 2006 to pay the costs associated with the new hires described in subsection (a), including—

(1) costs to increase by 166 of the number of support staff positions;

(2) costs to increase by 1333 in the number of vehicles; and

(3) costs to train the new hires described in subsection (a) under an agreement with a Department training facility other than the Artesia Border Patrol Academy.

(c) FACILITIES IMPACT ASSESSMENT.—The Secretary of Homeland Security shall conduct a facilities impact assessment and report findings from such assessment, with detailed estimates and costs. to the Committee on Homeland Security of the United States House of Representatives.

SEC. 309. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 310. REQUIRING REPORT ON THE "ONE FACE AT THE BORDER INITIATIVE".

(a) IN GENERAL.—Not later than September 30 of each of the calendar years 2005, 2006, and 2007, the Secretary of Homeland Security shall prepare and submit to the Congress a report—

(1) describing and analyzing the goals, success, and shortfalls of the One Face at the Border Initiative at enhancing security and facilitating travel;

(2) providing a breakdown of the number of personnel of the Bureau of Customs and Border Protection that were personnel of the United States Customs Service prior to the establishment of the Department of Homeland Security, that were personnel of the Immigration and Naturalization Service prior to the establishment of the Department of Homeland Security, and that were hired after the establishment of the Department of Homeland Security;

(3) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative;

(4) outlining the steps taken by the Bureau of Customs and Border Protection to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative; and

(5) reviewing whether the missions of customs, agriculture, and immigration are appropriately and adequately addressed.

(b) ASSESSMENT OF REPORT.—The Comptroller General of the United States shall the review the reports submitted under subsection (a) and shall provide an assessment to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) regarding the effectiveness of the One Face at the Border Initiative.

Subtitle B—CIS Workflow Study

SEC. 311. CIS WORKFLOW, TECHNOLOGY, AND STAFFING ASSESSMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a comprehensive assessment of the Bureau of Citizenship and Immigration Services (otherwise know as "U.S. Citizenship and Immigration Services") within the Department of Homeland Security. Such assessment shall include study of personnel, administrative and technical support positions, technology, training, and facilities.

(b) WORKFLOW.—As part of the study, the Secretary shall examine all elements of such entity's workflow, in order to determine the most efficient way to handle its work without compromising security. Any bottlenecks associated with security matters should be identified and recommendations should be made on ways to minimize such bottlenecks without compromising security. The Secretary should assess the division of work, adequacy of infrastructure (particularly information technology), as well as personnel needs.

(c) INTERACTIONS WITH OTHER ORGANIZATIONS.—As part of the study, the Secretary shall examine such entity's interactions with other government organizations. Specifically, the Secretary shall determine whether existing memoranda of understanding and divisions of responsibility, especially any which pre-date the establishment of the Department of Homeland Security, need to be revised in order to improve service delivery.

(d) BACKLOG COST.—As part of the study, the Secretary shall assess the current cost of maintaining the backlog (as defined in section 203 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1572)).

(e) INFORMATION TECHNOLOGY.—Aspects of this study related to information technology should be coordinated with the Chief Information Officer for the Department of Homeland Security and should build on the findings of the task force established by section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215).

(f) SUBMISSION.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives. It shall include recommendations for resource allocation.

Subtitle C—Report on Border Violence

SEC. 321. STUDIES RELATED TO FEASIBILITY AND COST OF LOCATING AND REMOVING EIGHT MILLION UNDOCUMENTED ALIENS FROM UNITED STATES.

(a) FEASIBILITY STUDY.—Commencing not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate—

(1) the ability of the Department of Homeland Security to develop and implement a program to locate and initiate removal proceedings on the 8,000,000 undocumented immigrants who are presently residing in the United States;

(2) an estimate of the additional personnel and other additional resources such a project would require for the Department and the Executive Office for Immigration Review;

(3) the amount of time that such development and implementation would require;

(4) the total cost to develop and implement this program;

(5) the ability of State and local police departments to assist the Department in implementing this program;

(6) an estimate of the additional personnel and other additional resources the State and local police departments would need if they participate with the Department in implementing this program;

(7) the amount of time away from other State and local police work that would be required of State and local police departments to participate in this program; and

(8) the total cost to State and local governments of such participation.

(b) STUDY ON CONSEQUENCES OF LOCATING AND REMOVING EIGHT MILLION UNDOCUMENTED ALIENS.—Commencing not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the adverse consequences that could result from locating and removing 8,000,000 undocumented aliens from the United States.

Subtitle D—Center of Excellence on Border Security

SEC. 331. CENTER OF EXCELLENCE ON BORDER SECURITY.

The Secretary shall establish a university-based Center for Border Security following the merit-review processes and procedures that have been established for selecting University Programs Centers of Excellence. The Center shall conduct research, examine existing and emerging border security technology and systems, and provide education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the Nation's borders.

TITLE IV—SECURING CHEMICAL PLANTS AND OTHER CRITICAL INFRASTRUCTURE

Subtitle A—Chemical Security Improvement

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Chemical Security Improvement Act of 2005".

SEC. 412. DEFINITIONS.

In this subtitle:

(1) ALTERNATIVE APPROACHES.—The term "alternative approach" means an approach that significantly reduces or eliminates the threat or consequences of a terrorist release from a chemical source, including an approach that—

(A) uses smaller quantities, nonhazardous forms, or less hazardous forms of dangerous substances;

(B) replaces a dangerous substance with a nonhazardous or less hazardous substance; or

(C) uses nonhazardous or less hazardous conditions or processes.

(2) CHEMICAL SOURCE.—The term "chemical source" means a facility listed by the Secretary under section 413(e) as a chemical source; and—

(3) DANGEROUS SUBSTANCE.—The term "dangerous substance" means a substance present at a chemical source that—

(A) can cause death, injury, or serious adverse effects to human health or the environment; or

(B) could harm critical infrastructure or national security.

(4) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(5) ENVIRONMENT.—The term "environment" means—

(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States; and

(B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the

United States or under the jurisdiction of the United States.

(6) OWNER OR OPERATOR.—The term ''owner or operator'' means any person who owns, leases, operates, controls, or supervises a chemical source.

(7) RELEASE.—The term ''release'' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes—

(A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

(B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; or

(C) the normal application of fertilizer or pesticide.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(9) SECURITY MEASURE.—

(A) IN GENERAL.—The term ''security measure'' means an action carried out to ensure or enhance the security of a chemical source.

(B) INCLUSIONS.—The term ''security measure'', with respect to a chemical source, includes measures such as—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) the protection of the perimeter of the chemical source, including the deployment of armed physical security personnel;

(iv) the installation and operation of intrusion detection sensors;

(v) the implementation of measures to increase computer or computer network security;

(vi) the installation of measures to protect against long-range weapons;

(vii) the installation of measures and controls to protect against or reduce the consequences of a terrorist attack; and

(viii) the implementation of any other security-related measures or the conduct of any similar security-related activity, as determined by the Secretary.

(10) TERRORISM.—The term ''terrorism'' has the meaning given to that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(11) TERRORIST RELEASE.—The term ''terrorist release'' means—

(A) a release from a chemical source into the environment of a dangerous substance that is caused by an act of terrorism; and

(B) the theft of a dangerous substance by a person for off-site release in furtherance of an act of terrorism.

SEC. 413. VULNERABILITY ASSESSMENTS AND SITE SECURITY PLANS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary shall promulgate regulations that—

(A) require the owner or operator of each chemical source included on the list described in subsection (e)(1)—

(i) to conduct an assessment of the vulnerability of the chemical source to a terrorist release; and

(ii) to prepare and implement a site security plan that addresses the results of the vulnerability assessment; and

(B) establish procedures, protocols, and standards for vulnerability assessments and site security plans.

(2) CONTENTS OF VULNERABILITY ASSESSMENT.—A vulnerability assessment required under the regulations promulgated under paragraph (1) or any assessment determined substantially equivalent by the Secretary under subsection (c) shall include the identification and evaluation of—

(A) critical assets and infrastructures;

(B) hazards that may result from a terrorist release; and

(C) weaknesses in—

(i) physical security;

(ii) structural integrity of containment, processing, and other critical infrastructure;

(iii) protection systems;

(iv) procedural and employment policies;

(v) communication systems;

(vi) transportation infrastructure in the proximity of the chemical source;

(vii) utilities;

(viii) contingency response; and

(ix) other areas as determined by the Secretary.

(3) CONTENTS OF SITE SECURITY PLAN.—A site security plan required under the regulations promulgated under paragraph (1) or any plan submitted to the Secretary under subsection (c)—

(A) shall include security measures to significantly reduce the vulnerability of the chemical source covered by the plan to a terrorist release;

(B) shall describe, at a minimum, particular equipment, plans, and procedures that could be implemented or used by or at the chemical source in the event of a terrorist release;

(C) shall provide for the assessment and, as applicable, implementation of alternative approaches in accordance with section 415; and

(D) shall be developed in consultation with local law enforcement, first responders, employees, and local emergency planning committees, as established pursuant to section 301(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001(c)).

(4) SECURITY EXERCISES.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary shall promulgate regulations establishing procedures, protocols, and standards for the conduct of security exercises, including—

(A) the performance of force-on-force exercises that—

(i) involve physical security personnel employed by the owner or operator of the chemical source to act as the force designated to defend the facility;

(ii) involve personnel designated by the Secretary to act as the force designated to simulate a terrorist attempt to attack the chemical source to cause a terrorist release;

(iii) are designed, overseen, and evaluated by the Department; and

(iv) are conducted at least once every 3 years; and

(B) the performance of all other such exercises at periodic intervals necessary to ensure the optimal performance of security measures.

(5) GUIDANCE TO SMALL BUSINESSES.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish guidance to assist small businesses in complying with paragraphs (2) and (3).

(6) THREAT INFORMATION.—To the maximum extent practicable under applicable authority and in the interests of national security, the Secretary shall provide to an owner or operator of a chemical source required to prepare a vulnerability assessment and site security plan threat information that is relevant to the chemical source.

(7) COORDINATED ASSESSMENTS AND PLANS.—The regulations promulgated under paragraph (1) shall permit the development and implementation of coordinated vulnerability assessments and site security plans in any case in which more than 1 chemical source is operating at a single location or at contiguous locations, including cases in which a chemical source is under the control of more than 1 owner or operator.

(b) CERTIFICATION AND SUBMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c), each owner or operator of a chemical source shall certify in writing to the Secretary that the owner or operator has completed a vulnerability assessment and has developed and implemented (or is implementing) a site security plan in accordance with this subtitle, including—

(A) regulations promulgated under subsection (a)(1); and

(B) any existing vulnerability assessment or security plan endorsed by the Secretary under subsection (c)(1).

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than 18 months after the date of the promulgation of regulations under subsection (a)(1), an owner or operator of a chemical source shall provide to the Secretary copies of the vulnerability assessment and site security plan of the chemical source for review.

(B) CERTIFICATION.—

(i) IN GENERAL.—Not later than 2 years after the date on which the Secretary receives copies of the vulnerability assessment and site security plan of a chemical source under subparagraph (A), the Secretary shall determine whether the chemical source is in compliance with the requirements of this Act, including—

(I) paragraph (1);

(II) regulations promulgated under subsections (a)(1) and (a)(3); and

(III) any existing vulnerability assessment or site security plan endorsed by the Secretary under subsection (c)(1).

(ii) CERTIFICATE.—If the Secretary determines that the chemical source is in compliance with the requirements of this Act, the Secretary shall provide to the chemical source and make available for public inspection a certificate of approval that contains the following statement (in which statement the bracketed space shall be the name of the chemical source): ''[_____] is in compliance with the Chemical Security Improvement Act of 2005.''

(iii) DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines under clause (i) that a chemical source is not in compliance with the requirements of this Act, the Secretary shall exercise the authority provided in section 416.

(iv) REPORT TO CONGRESS.—Not later than 1 year after the promulgation of regulations in subsection (a)(1) and for every year afterwards, the Secretary shall submit to the Congress a report outlining the number of facilities that have provided vulnerability assessments and site security plans to the Secretary, what portion of these submissions have been reviewed by the Secretary, and what portion of these submissions are in compliance with clause (i).

(3) OVERSIGHT.—

(A) IN GENERAL.—The Secretary shall, at such times and places as the Secretary determines to be appropriate, conduct or require the conduct of vulnerability assessments and other activities (including qualified third-party audits) to ensure and evaluate compliance with this subtitle (including regulations promulgated under subsection (a)(1) and (c)(1)).

(B) RIGHT OF ENTRY.—In carrying out this subtitle, the Secretary (or a designee), on presentation of credentials, shall have a right of entry to, on, or through any premises of an owner or operator of a chemical source.

(C) REQUESTS FOR RECORDS.—In carrying out this subtitle, the Secretary (or a designee) may require the submission of, or, on

presentation of credentials, may at reasonable times seek access to and copy any documentation necessary for—

(i) review or analysis of a vulnerability assessment or site security plan; or

(ii) implementation of a site security plan.

(D) COMPLIANCE.—If the Secretary determines that an owner or operator of a chemical source is not maintaining, producing, or permitting access to the premises of a chemical source or records as required by this paragraph, the Secretary may issue an order requiring compliance with the relevant provisions of this section.

(E) QUALIFIED THIRD-PARTY AUDITS.—The Secretary shall establish standards as to the qualifications of third-party auditors. Such standards shall ensure the qualifications of the third-party auditor provide sufficient expertise in—

(i) chemical site security vulnerabilities;

(ii) chemical site security measures;

(iii) alternative approaches; and

(iv) such other areas as the Secretary determines to be appropriate and necessary.

(4) SUBMISSION OF CHANGES.—The owner or operator of a chemical source shall provide to the Secretary a description of any significant change that is made to the vulnerability assessment or site security plan required for the chemical source under this section, not later than 90 days after the date the change is made.

(c) EXISTING VULNERABILITY ASSESSMENTS AND SECURITY PLANS.—Upon submission of a petition by an owner or operator of a chemical source to the Secretary in conjunction with a submission under subsection (b)(2)(A), the Secretary—

(1) may endorse any vulnerability assessment or security plan—

(A) that was conducted, developed, or required by—

(i) industry;

(ii) State or local authorities; or

(iii) other applicable law; and

(B) that was conducted before, on, or after the date of enactment of this subtitle; and

(C) the contents of which the Secretary determines meet the standards established under the requirements of subsections (a)(1), (a)(2), and (a)(3);

(2) may make an endorsement of an existing vulnerability assessment or security plan under paragraph (1) contingent on modification of the vulnerability assessment or security plan to address—

(A) a particular threat or type of threat; or

(B) a requirement under (a)(2) or (a)(3).

(d) REGULATORY CRITERIA.—In exercising the authority under subsections (a), (b), (c), or (e) with respect to a chemical source, the Secretary shall consider—

(1) the likelihood that a chemical source will be the target of terrorism;

(2) the potential extent of death, injury, or serious adverse effects to human health or the environment that would result from a terrorist release;

(3) the potential harm to critical infrastructure and national security from a terrorist release; and

(4) such other security-related factors as the Secretary determines to be appropriate and necessary to protect the public health and welfare, critical infrastructure, and national security.

(e) LIST OF CHEMICAL SOURCES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle, the Secretary shall develop a list of chemical sources in existence as of that date.

(2) CONSIDERATIONS.—In developing the list under paragraph (1), the Secretary shall take into consideration the criteria specified in subsection (d).

(3) PRIORITIZATION.—In developing the list under paragraph (1), the Secretary shall determine the potential extent of death, injury, or severe adverse effects to human health that would result from a terrorist release of dangerous substances from a chemical source.

(4) SCOPE.—In developing the list under paragraph (1), the Secretary shall include at least those facilities that pose a risk of potential death, injury, or severe adverse effects to not fewer than 15,000 individuals.

(5) FUTURE DETERMINATIONS.—Not later than 3 years after the date of the promulgation of regulations under subsection (a)(1), and every 3 years thereafter, the Secretary shall, after considering the criteria described in subsection (d)—

(A) determine whether additional facilities (including, as of the date of the determination, facilities that are operational and facilities that will become operational in the future) shall be considered to be a chemical source under this subtitle;

(B) determine whether any chemical source identified on the most recent list under paragraph (1) no longer presents a risk sufficient to justify retention of classification as a chemical source under this subtitle; and

(C) update the list as appropriate.

(f) 5-YEAR REVIEW.—Not later than 5 years after the date of the certification of a vulnerability assessment and a site security plan under subsection (b)(1), and not less often than every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), the owner or operator of the chemical source covered by the vulnerability assessment or site security plan shall—

(1) ensure the vulnerability assessment and site security plan meet the most recent regulatory standards issues under subsection (a)(1);

(2)(A) certify to the Secretary that the chemical source has completed the review and implemented any modifications to the site security plan; and

(B) submit to the Secretary a description of any changes to the vulnerability assessment or site security plan; and

(3) submit to the Secretary a new assessment of alternative approaches.

(g) PROTECTION OF INFORMATION.—

(1) CRITICAL INFRASTRUCTURE INFORMATION.—Except with respect to certifications specified in subsections (b)(1) and (f)(2)(A), vulnerability assessments and site security plans obtained in accordance with this subtitle, and all information derived from those vulnerability assessments and site security plans that could pose a risk to a particular chemical source, shall be deemed critical infrastructure information as defined in section 212 of the Homeland Security Act of 2002 (6 U.S.C. 131), and subject to all protections under sections 213 and 214 of that Act.

(2) EXCEPTIONS TO PENALTIES.—Section 214(f) of the Homeland Security Act of 2002 (6 U.S.C. 133(f)) shall not apply to a person described in that section that discloses information described in paragraph (1)—

(A) for use in any administrative or judicial proceeding to impose a penalty for failure to comply with a requirement of this subtitle; or

(B) for the purpose of making a disclosure evidencing government, owner or operator, or employee activities that threaten the security of a chemical source or are inconsistent with the requirements of this subtitle.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the withholding of information from members of Congress acting in their official capacity.

SEC. 414. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No person employed at a chemical source may be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of any lawful act done by the person—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the person reasonably believes constitutes a violation of any law, rule or regulation related to the security of the chemical source, or any other threat to the security of the chemical source, when the information or assistance is provided to or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) any member or committee of the Congress; or

(C) a person with supervisory authority over the person (or such other person who has the authority to investigate, discover, or terminate misconduct); or

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule, or regulation related to the security of a chemical source or any other threat to the security of a chemical source; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation related to the security of chemical sources.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A person prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the person whole.

(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

(A) reinstatement with the same seniority status that the person would have had, but for the discrimination;

(B) the amount of back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(d) RIGHTS RETAINED BY PERSON.—Nothing in this section shall be deemed to diminish

the rights, privileges, or remedies of any person under any Federal or State law, or under any collective bargaining agreement.

SEC. 415. ALTERNATIVE APPROACHES.

(a) ASSESSMENT.—

(1) IN GENERAL.—A site security plan under section 413(a)(1) shall provide for the conduct of an assessment of alternative approaches.

(2) INCLUSIONS.—An assessment under this subsection shall include information on—

(A) the nature of each alternative approach considered, such as—

(i) the quantity of each dangerous substance considered for reduction;

(ii) the form of any dangerous substance considered for replacement and the form of potential replacements considered;

(iii) any dangerous substance considered for replacement and a description of any potential replacements considered; and

(iv) any process or conditions considered for modification and a description of the potential modification;

(B) the degree to which each alternative approach considered could potentially reduce the threat or consequence of a terrorist release; and

(C) specific considerations that led to the implementation or rejection of each alternative approach, including—

(i) requirements under this subtitle;

(ii) cost;

(iii) cost savings;

(iv) availability of replacement or modification technology or technical expertise;

(v) the applicability of existing replacement or modification technology to the chemical source; and

(vi) any other factor that the owner of operator of the chemical source considered in judging the practicability of each alternative approach.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—A chemical source described in paragraph (2) shall implement options to significantly reduce or eliminate the threat or consequences of a terrorist release through the use of alternative approaches that would not create an equal or greater risk to human health or the environment.

(2) APPLICABILITY.—This subsection applies to a chemical source if—

(A) the chemical source poses a potential of harm to more than 15,000 people, unless the owner or operator of the chemical source can demonstrate to the Secretary through an assessment of alternative approaches that available alternative approaches—

(i) would not significantly reduce the number of people at risk of death, injury, or serious adverse effects resulting from a terrorist release;

(ii) cannot feasibly be incorporated into the operation of the chemical source; or

(iii) would significantly and demonstrably impair the ability of the owner or operator of the chemical source to continue its business; or

(B)(i) the chemical source poses a potential of harm to fewer than 15,000 people; and

(ii) implementation of options to significantly reduce the threat or consequence of a terrorist release through the use of alternative approaches if practicable in the judgment of the owner or operator of the chemical source.

(c) ALTERNATIVE APPROACHES CLEARINGHOUSE.—

(1) AUTHORITY.—The Secretary shall establish a publicly available clearinghouse to compile and disseminate information on the use and availability of alternative approaches.

(2) INCLUSIONS.—The clearinghouse shall include information on—

(A) general and specific types of alternative approaches;

(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which alternative approaches could be appropriate;

(C) the scope of current use and availability of specific alternative approaches;

(D) the costs and cost savings resulting from alternative approaches;

(E) technological transfer;

(F) the availability of technical assistance;

(G) current users of alternative approaches; and

(H) such other information as the Administrator deems appropriate.

(3) COLLECTION OF INFORMATION.—The Secretary shall collect information for the clearinghouse—

(A) from documents submitted by owners or operators pursuant to this Act;

(B) by surveying owners or operators who have registered their facilities pursuant to part 68 of title 40 Code of Federal Regulations (or successor regulations); or

(C) through such other methods as the Secretary deems appropriate.

(4) PUBLIC AVAILABILITY.—Information available publicly through the clearinghouse shall not allow the identification of any specific facility or violate the exemptions of section 552(b)(4) of title 5, United States Code.

(5) STUDY OF ALTERNATIVE AND INHERENTLY SAFER APPROACHES TO CHEMICAL SAFETY AND SECURITY.—

(A) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide for a comprehensive study of—

(i) the currently available chemical technologies, practices, strategies, and other methods for improving the inherent safety and security of United States chemical manufacturing, transportation, and usage sites and infrastructure against the threat of terrorism;

(ii) methods for assessing the degree of inherent safety of chemical technologies, practices, strategies, and other means;

(iii) methods for integrating inherently safer chemical technologies, practices, strategies, and other means into risk management for critical infrastructure protection; and

(iv) progress and directions in research in chemical sciences and technology that may provide new chemical technologies, practices, strategies, and other means to improve inherent safety and security.

(B) REPORT.—

(i) IN GENERAL.—The arrangement entered into under subparagraph (A) shall provide that the National Academy of Sciences shall submit to the Secretary a final report on the study conducted under subparagraph (A) by no later than 18 months after a contract for the arrangement is signed.

(ii) RECOMMENDATIONS.—The report under this subparagraph shall include such recommendations regarding government and private sector practices to encourage the adoption of currently available inherently safer and more secure chemical technologies and strategies to reduce the vulnerabilities of existing and future chemical manufacturing, transportation, and usage sites and infrastructure, and regarding research directions in green chemistry and chemical engineering that would lead to inherently more secure, safer, and economically viable chemical products, processes, and procedures, as the Academy determines appropriate.

(C) TRANSMISSION TO CONGRESS.—The Secretary shall promptly transmit a copy of the report under this subparagraph to the Congress and make the report available to the public.

SEC. 416. ENFORCEMENT.

(a) FAILURE TO COMPLY.—If an owner or operator of a non-Federal chemical source fails to certify or submit a vulnerability assessment or site security plan in accordance with this subtitle, the Secretary may issue an order requiring the certification and submission of a vulnerability assessment or site security plan in accordance with section 413(b).

(b) DISAPPROVAL.—The Secretary may disapprove under subsection (a) a vulnerability assessment or site security plan submitted under section 413(b) or (c) if the Secretary determines that—

(1) the vulnerability assessment or site security plan does not comply with regulations promulgated under section 413(a)(1), or the procedure, protocol, or standard endorsed or recognized under section 413(c); or

(2) the site security plan, or the implementation of the site security plan, is insufficient to address—

(A) the results of a vulnerability assessment of a chemical source; or

(B) a threat of a terrorist release.

(c) COMPLIANCE.—If the Secretary disapproves a vulnerability assessment or site security plan of a chemical source under subsection (b), the Secretary shall—

(1) provide the owner or operator of the chemical source a written notification of the determination that includes a clear explanation of deficiencies in the vulnerability assessment, site security plan, or implementation of the assessment or plan;

(2) consult with the owner or operator of the chemical source to identify appropriate steps to achieve compliance; and

(3) if, following that consultation, the owner or operator of the chemical source does not achieve compliance by such date as the Secretary determines to be appropriate under the circumstances, issue an order requiring the owner or operator to correct specified deficiencies.

(d) PROTECTION OF INFORMATION.—Any determination of disapproval or order made or issued under this section shall be exempt from disclosure—

(1) under section 552 of title 5, United States Code;

(2) under any State or local law providing for public access to information; and

(3) except as provided in section 413(g)(2), in any Federal or State civil or administrative proceeding.

SEC. 417. INTERAGENCY TECHNICAL SUPPORT AND COOPERATION.

The Secretary—

(1) in addition to such consultation as is required in this subtitle, shall consult with Federal agencies with relevant expertise, and may request those Federal agencies to provide technical and analytical support, in implementing this subtitle; and

(2) may provide reimbursement for such technical and analytical support received as the Secretary determines to be appropriate.

SEC. 418. PENALTIES.

(a) JUDICIAL RELIEF.—In a civil action brought in United States district court, any owner or operator of a chemical source that violates or fails to comply with any order issued by the Secretary under this subtitle or a site security plan submitted to the Secretary under this subtitle or recognized by the Secretary, for each day on which the violation occurs or the failure to comply continues, may be subject to—

(1) an order for injunctive relief; and

(2) a civil penalty of not more than $50,000.

(b) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—The Secretary may issue an administrative penalty of not more than $250,000 for failure to comply with an order issued by the Secretary under this subtitle.

(2) NOTICE AND HEARING.—Before issuing an order described in paragraph (1), the Secretary shall provide to the person against whom the penalty is to be assessed—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed order.

(3) PROCEDURES.—The Secretary may promulgate regulations outlining the procedures for administrative hearings and appropriate review under this subsection, including necessary deadlines.

SEC. 419. PROTECTION OF INFORMATION.

(a) DEFINITION OF PROTECTED INFORMATION.—

(1) IN GENERAL.—In this section, the term ''protected information'' means—

(A) a vulnerability assessment or site security plan required by subsection (a) or (b) of section 413;

(B) any study, analysis, or other document generated by the owner or operator of a chemical source primarily for the purpose of preparing a vulnerability assessment or site security plan (including any alternative approach analysis); or

(C) any other information provided to or obtained or obtainable by the Secretary solely for the purposes of this subtitle from the owner or operator of a chemical source that, if released, is reasonably likely to increase the probability or consequences of a terrorist release.

(2) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section affects—

(A) the handling, treatment, or disclosure of information obtained from a chemical source under any other law;

(B) any obligation of the owner or operator of a chemical source to submit or make available information to a Federal, State, or local government agency under, or otherwise to comply with, any other law; or

(C) the public disclosure of information derived from protected information, so long as the information disclosed—

(i) would not divulge methods or processes entitled to protection as trade secrets in accordance with the purposes of section 1905 of title 18, United States Code;

(ii) does not identify any particular chemical source; and

(iii) is not reasonably likely to increase the probability or consequences of a terrorist release, even if the same information is also contained in a document referred to in paragraph (1).

(b) DISCLOSURE EXEMPTION.—Protected information shall be exempt from disclosure under—

(1) section 552 of title 5, United States Code; and

(2) any State or local law providing for public access to information.

(c) RULE OF CONSTRUCTION.—Subsection (b) shall not be construed to apply to a certificate of compliance or a determination of noncompliance under clause (ii) or (iii), respectively, of section 413(b)(2)(B).

SEC. 420. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this subtitle affects any duty or other requirement imposed under any other Federal or State law.

Subtitle B—Critical Infrastructure Prioritization

SEC. 421. CRITICAL INFRASTRUCTURE.

(a) COMPLETION OF PRIORITIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the prioritization of the Nation's critical infrastructure according to all of the following criteria:

(1) The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department regarding the intentions and capabilities of terrorist groups and other potential threats to the Nation's critical infrastructure.

(2) The likelihood that an attack would cause the destruction or significant disruption of such infrastructure.

(3) The likelihood that an attack would result in substantial numbers of deaths and serious bodily injuries, a substantial adverse impact on the national economy, or a substantial adverse impact on national security.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

SEC. 422. SECURITY REVIEW.

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary, in coordination with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate, shall—

(1) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization developed under section 421;

(2) recommend changes to existing plans for securing such infrastructure, as the Secretary determines necessary; and

(3) coordinate and contribute to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate, as directed in Homeland Security Presidential Directive 7.

(b) CONTENTS OF PLANS.—The recommendations made under subsection (a)(2) shall include—

(1) necessary protective measures to secure such infrastructure, including milestones and timeframes for implementation; and

(2) to the extent practicable, performance metrics to evaluate the benefits to both national security and the Nation's economy from the implementation of such protective measures.

SEC. 423. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of section 422. Such report shall detail—

(1) the Secretary's review and coordination of security plans under section 422; and

(2) the Secretary's oversight of the execution and effectiveness of such plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update of such report to the congressional committees described in subsection (a).

TITLE V—SECURING AIRPORTS, BAGGAGE, AND AIR CARGO

Subtitle A—Prohibition Against Increase in Security Service Fees

SEC. 501. PROHIBITION AGAINST INCREASE IN SECURITY SERVICE FEES.

None of the funds authorized under this Act may be derived from an increase in security service fees established under section 44940 of title 49, United States Code.

Subtitle B—Aviation Security

SEC. 511. FEDERAL FLIGHT DECK OFFICERS.

(a) TRAINING, SUPERVISION, AND EQUIPMENT.—Section 44921(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) DATES OF TRAINING.—The Secretary shall ensure that a pilot who is eligible to receive Federal flight deck officer training is offered a choice of training dates and is provided at least 30 days advance notice of the dates.

''(4) TRAVEL TO TRAINING FACILITIES.—The Secretary shall establish a program to improve travel access to Federal flight deck officer training facilities through the use of charter flights or improved scheduled air carrier service.

''(5) REQUALIFICATION AND RECURRENT TRAINING.—

''(A) STANDARDS.—The Secretary shall establish qualification standards for facilities where Federal flight deck officers can receive requalification and recurrent training.

''(B) LOCATIONS.—The Secretary shall provide for requalification and recurrent training at geographically diverse facilities, including military facilities, Federal, State, and local law enforcement facilities, and private training facilities that meet the qualification standards established under subparagraph (A).

''(6) COSTS OF TRAINING.—

''(A) IN GENERAL.—The Secretary shall provide Federal flight deck officer training, requalification training, and recurrent training to eligible pilots at no cost to the pilots or the air carriers that employ the pilots.

''(B) TRANSPORTATION AND EXPENSES.—The Secretary may provide travel expenses to a pilot receiving Federal flight deck officer training, requalification training, or recurrent training.

''(7) ISSUANCE OF BADGES.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue badges to Federal flight deck officers.''.

(b) REVOCATION OF DEPUTIZATION OF PILOT AS FEDERAL FLIGHT DECK OFFICER.—Section 44921(d)(4) of title 49, United States Code, is amended to read as follows:

''(4) REVOCATION.—

''(A) ORDERS.—The Assistant Secretary of Homeland Security (Transportation Security Administration) may issue, for good cause, an order revoking the deputization of a Federal flight deck officer under this section. The order shall include the specific reasons for the revocation.

''(B) HEARINGS.—An individual who is adversely affected by an order of the Assistant Secretary under subparagraph (A) is entitled to a hearing on the record. When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Assistant Secretary.

''(C) APPEALS.—An appeal from a decision of an administrative law judge as a result of a hearing under subparagraph (B) shall be made to the Secretary or the Secretary's designee.

''(D) JUDICIAL REVIEW OF A FINAL ORDER.—The determination and order of the Secretary revoking the deputization of a Federal flight deck officer under this section shall be final and conclusive unless the individual against whom such an order is issued files an application for judicial review, not later than 60 days following the date of entry of such order, in the appropriate United States court of appeals.''.

(c) FEDERAL FLIGHT DECK OFFICER FIREARM CARRIAGE PILOT PROGRAM.—Section 44921(f) of title 49, United States Code, is amended by adding at the end the following:

''(4) PILOT PROGRAM.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall implement a pilot program to allow pilots participating in the Federal flight deck officer program to transport their firearms on their persons. The Secretary may prescribe any training, equipment, or procedures that the Secretary determines necessary to ensure safety and maximize weapon retention.

''(B) REVIEW.—Not later than 1 year after the date of initiation of the pilot program, the Secretary shall conduct a review of the safety record of the pilot program and transmit a report on the results of the review to Congress.

''(C) OPTION.—If the Secretary as part of the review under subparagraph (B) determines that the safety level obtained under the pilot program is comparable to the safety level determined under existing methods of pilots carrying firearms on aircraft, the Secretary shall allow all pilots participating in the Federal flight deck officer program the option of carrying their firearm on their person subject to such requirements as the Secretary determines appropriate.''.

(d) REFERENCES TO UNDER SECRETARY.—Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security'';

(2) by striking ''Under Secretary'' each place it appears and inserting ''Secretary''; and

(3) by striking ''Under Secretary's'' each place it appears and inserting ''Secretary's''.

SEC. 512. LETTERS OF INTENT.

(a) INSTALLATION OF EDS SYSTEMS.—Section 44923(d) of title 49, United States Code, is amended by adding at the end the following:

''(7) INSTALLATION OF EDS SYSTEMS.—Upon the request of a sponsor for an airport, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall revise a letter of intent issued under this subsection to provide for reimbursement of such additional costs as may be necessary to achieve complete in-line explosive detection system installation at the airport.''.

(b) FEDERAL SHARE.—Section 44923(e) of title 49, United States Code, is amended by adding at the end the following:

''(3) DEADLINE FOR REVISIONS.—The Assistant Secretary for Homeland Security (Transportation Security Administration) shall revise letters of intent referred to in paragraph (2) not later than 30 days after the date of enactment of this paragraph.

''(4) EXTENSION OF REIMBURSEMENT SCHEDULES.—If the Assistant Secretary considers it necessary and appropriate due to fiscal constraints in any fiscal year, the Assistant Secretary, for purposes of ensuring reimbursement of the Federal share as provided in paragraph (1), may revise a letter of intent issued under this section to extend the reimbursement schedule for one or more fiscal years.''.

SEC. 513. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL.—Section 44923(h)(1) of title 49, United States Code, is amended—

(1) in the second sentence by striking ''in each of fiscal years 2004 through 2007'' and inserting ''in each of fiscal years 2004 and 2005, and $650,000,000 in each of fiscal years 2006 and 2007,''; and

(2) in the third sentence by striking ''at least $250,000,000 in each of such fiscal years'' and inserting ''at least $250,000,000 in each of fiscal years 2004 and 2005, and at least $650,000,000 in each of fiscal years 2006 and 2007,'' .

(b) DISCRETIONARY GRANTS.—Section 44923(h)(3) of such title is amended by striking ''for a fiscal year, $125,000,000'' and inserting '', $125,000,000 for each of fiscal years 2004 and 2005, and $525,000,000 for each of fiscal years 2006 and 2007,''.

SEC. 514. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting '', other than subsection (i),'' before ''except to''; and

(2) by adding at the end the following:

''(i) CHECKPOINT SCREENING SECURITY FUND.—

''(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

''(2) DEPOSITS.—In fiscal year 2006, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

''(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2006 for deposit into the Fund.

''(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended for the purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.''.

SEC. 515. FLIGHT COMMUNICATIONS.

Section 4021 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3723) is amended by adding at the end the following:

''(d) FLIGHT COMMUNICATION.—

''(1) STUDY.—To expand the purposes of the study under subsection (a), the Assistant Secretary shall conduct a study on the viability of devices to enable discreet, wireless communications between flight attendants, pilots, Federal air marshals, and ground-based personnel during a passenger commercial aircraft flight to improve coordination of planning and activities in the event of an act of terrorism.

''(2) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Assistant Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.''.

SEC. 516. AIRPORT SITE ACCESS AND PERIMETER SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the security directives issued by the Acting Administrator of the Transportation Security Administration on July 6, 2004, regarding security measures concerning access to sensitive airport areas constitute an improvement over current practice but are not sufficient to provide adequate airport access controls.

(b) ACCESS TO STERILE AREAS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall require airport personnel including individuals employed in positions such as aircraft maintenance, catering personnel, aircraft cargo handlers, aircraft workers with access to an aircraft ramp, aircraft support facilities personnel, and personnel of airport vendors, accessing airport sterile areas from unrestricted areas to undergo security screening equivalent to screening of passengers and carry-on baggage each time any of these airport personnel enter a sterile area from an unrestricted area. The Secretary may issue a waiver of this provision on an airport-by-airport basis, subject to the following requirements:

(1) The Secretary shall promptly notify Congress of any waivers granted under this section, the purpose for which such waivers were granted, and the duration of the waiver.

(2) Under no circumstances shall a waiver be granted for more than 7 days, although the Secretary may issue as many waivers to an airport as is deemed appropriate by the Secretary. In the event of multiple waivers, the Secretary shall provide to Congress an estimate of when the airport will be in compliance with this subsection.

(c) BACKGROUND CHECKS FOR WORKERS.—The Secretary shall ensure that all unescorted airport personnel accessing airport sterile and secured areas have successfully undergone a background check. The background checks required under this section shall include, at a minimum:

(1) A fingerprint-based criminal history records check, or, if such a check is not possible, a check of the National Criminal Information Center.

(2) A local criminal history check.

(3) Verification of previous employment.

(4) Verification of identity, to include, but not be limited to, social security number.

(5) A check of all terrorist watch lists operated by the Federal Government, or upon certification by the Secretary that it is suitably comprehensive, the terrorist watch list operated by the Terrorist Screening Center.

This subsection shall apply to all airport personnel hired more than 3 months after the date of enactment of this Act and for all airport personnel, regardless of the date on which they were hired, no more than one year after such date of enactment.

(d) REPORT.—The Administrator of the Transportation Security Administration shall submit to Congress, no later than January 31, 2005, a report that contains a description of ongoing efforts and projected timelines for—

(1) developing and implementing uniform screening standards for airport personnel with access to sterile areas;

(2) completing an assessment of available technologies that are applicable to securing airport perimeters and making this information available to airport operators; and

(3) developing and implementing a standardized approach to conducting airport vulnerability assessments and compliance inspections.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to provide passengers, airport workers, or other personnel not granted regular access to secure areas before the date of enactment of this Act authority to do so, regardless of whether such person has undergone security screening.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) STERILE AREA.—The term ''sterile area'' means any part of an airport that is regularly accessible to passengers after having cleared a passenger security screening checkpoint.

(2) SECURE AREA.—The term ''secure area'' means parts of an airport complex not typically accessible to passengers, including areas outside of terminal buildings, baggage handling and loading areas, parked aircraft, runways, air control towers, and similar areas.

(3) AIRPORT PERSONNEL.—The term ''airport personnel'' shall mean those persons, whether employed by the airport, air carriers, or by companies that conduct business in airports.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 901, there is authorized to be appropriated such sums as may be necessary to carry out this section. Except as provided in the preceding sentence, this section shall have no force or affect.

SEC. 517. MANPAD COUNTERMEASURE RESEARCH.

(a) IN GENERAL.—In addition to research on air-based MANPAD countermeasures, the Secretary of Homeland Security shall conduct research on alternate technologies, including ground-based countermeasures.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $115,000,000 for fiscal year 2006 to carry out this section.

SEC. 518. AIR CHARTER AND GENERAL AVIATION OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

Notwithstanding any law, regulation, or agency policy or directive that has the effect of generally prohibiting general aviation aircraft from landing at Ronald Reagan Washington National Airport, not later than 60 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Federal Aviation Administration, in consultation with the Secretary of Homeland Security, shall permit the resumption of nonscheduled, commercial air carrier air charter and general aviation operations at Ronald Reagan Washington National Airport. In complying with the requirements of this section, the Secretary of Transportation shall consult with the general aviation industry.

SEC. 519. INSPECTION OF CARGO CARRIED ABOARD COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a system that uses equipment, technology, personnel, and other means to inspect 35 percent of cargo transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate transportation. At a minimum, this system shall meet the same standards as those established by the Secretary for equipment, technology, and personnel used to screen passenger baggage. Within 2 years after the date of the enactment of this Act, the Secretary shall use this system to inspect at least 65 percent of cargo transported in passenger aircraft. Not later than three years after the date of enactment of this Act, the Secretary shall use this system to inspect at least 100 percent of cargo transported in passenger aircraft.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report describing the system established under subsection (a).

TITLE VI—SECURING TRAINS ACROSS AMERICA

Subtitle A—Public Transit Security

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Safe Transit and Rail Awareness and Investments for National Security Act of 2005'' or the ''Safe TRAINS Act''.

SEC. 602. HOMELAND SECURITY PUBLIC TRANSPORTATION GRANTS.

(a) AUTHORIZATION.—The Secretary of Homeland Security is authorized to make grants for the purpose of improving the security of public transportation systems against acts of terrorism. The grant program shall be administered by the Director of the Office of Domestic Preparedness to ensure that the program is consistent with other Department of Homeland Security grant programs.

(b) CONSIDERATIONS.—Among the considerations on which grants shall be awarded under this section are the following:

(1) Risk of terrorism, including threat assessment, vulnerabilities of public transportation systems, potential effects of acts of terrorism against public transportation systems, and past acts of terrorism against modes of transportation.

(2) Merits of the proposed projects to increase national security, based on a consideration of—

(A) threats;

(B) vulnerabilities;

(C) consequences, including human casualties and economic impacts;

(D) consequence management;

(E) the likelihood that such projects would have been pursued in the normal course of business and in the absence of national security considerations; and

(F) feasibility, based on the technical and operational merits of the projects.

(c) ALLOWABLE USE OF FUNDS.—Grants made under this section shall be used for the purposes of—

(1) support for increased capital investments in cameras, close-circuit television, and other surveillance systems;

(2) increased capital investment in command, control, and communications systems, including investments for redundancy and interoperability and for improved situational awareness, such as emergency call boxes and vehicle locator systems;

(3) increased training, including for carrying out exercises under section 603, and technical support for public transportation employees, especially for security awareness, prevention, and emergency response, including evacuation and decontamination;

(4) expanded deployment of equipment and other measures, including canine detection teams, for the detection of explosives and chemical, biological, radiological, and nuclear agents;

(5) capital improvements and operating activities, including personnel expenditures, to increase the physical security of stations, vehicles, bridges, and tunnels;

(6) capital improvements and operating activities to improve passenger survivability in the event of an attack, including improvements in ventilation, drainage, fire safety technology, emergency communications systems, lighting systems, passenger egress, and accessibility by emergency response personnel;

(7) acquisition of emergency response and support equipment, including fire suppression and decontamination equipment; and

(8) expansion of employee education and public awareness campaigns regarding security on public transportation systems.

(d) ELIGIBLE RECIPIENTS.—Grants shall be made available under this section directly to owners, operators, and providers of public transportation systems. Owners, operators, and providers of infrastructure over which public transportation operates, but which is not primarily used for public transportation, may also be eligible for grants at the discretion of the Secretary.

(e) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this subtitle and the priorities and other criteria developed by the Secretary. If the Secretary determines that a recipient has used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

(f) PROCEDURES FOR GRANT AWARD.—The Secretary shall prescribe procedures and schedules for the awarding of grants under this section, including application and qualification procedures, and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of enactment of this Act.

(g) COST SHARE.—Grants made under this section shall account for no more than—

(1) 85 percent for fiscal year 2006;

(2) 80 percent for fiscal year 2007; and

(3) 75 percent for fiscal year 2008,

of the expense of the purposes for which the grants are used.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section—

(1) $1,200,000,000 for fiscal year 2006;

(2) $900,000,000 for fiscal year 2007; and

(3) $700,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 603. TRAINING EXERCISES.

(a) GUIDELINES.—Not later than 4 months after the date of enactment of this Act, the Secretary of Homeland Security shall publish guidelines for the conduct by recipients of grants under section 602 of appropriate exercises for emergency response and public transportation employee training purposes.

(b) PLANS.—Not later than 6 months after receipt of a grant under section 602, the recipient of such grant shall transmit to the Secretary its emergency response plan as well as a plan for conducting exercises for emergency response and public transportation employee training purposes pursuant to the guidelines published under subsection (a).

(c) EXERCISES.—

(1) REQUIREMENT.—Not later than 1 year after receipt of a grant under section 602, the recipient of such grant shall conduct an exercise pursuant to the plan for conducting exercises transmitted under subsection (b).

(2) EXEMPTIONS.—The Secretary may exempt a grant recipient from the requirement under paragraph (1) if the recipient has recently conducted an equivalent exercise.

(3) NOTICE AND REPORT.—Not later than 30 days after conducting an exercise under paragraph (1) or as described in paragraph (2), the recipient shall notify the Secretary that such exercise has been completed, including a description of the results of the exercise and findings and lessons learned from the exercise, and shall make recommendations for changes, if necessary, to existing emergency response plans. If the recipient revises an emergency response plan as a result of an exercise under this subsection, the recipient shall transmit the revised plan to the Secretary not later than 6 months after the date of the exercise.

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance in the design, preparation for, and conduct of emergency response exercises.

(e) USE OF PLANS.—The Secretary shall ensure that information submitted to the Secretary under this section is protected from any form of disclosure that might compromise public transportation security or trade secrets. Notwithstanding the preceding sentence, the Secretary may use such information, on a nonattributed basis unless otherwise agreed to by the source of the information, to aid in developing recommendations, best practices, and materials for use by public transportation authorities to improve security practices and emergency response capabilities.

SEC. 604. SECURITY BEST PRACTICES.

Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop, disseminate to appropriate owners, operators, and providers of public transportation systems, public transportation employees and employee representatives, and Federal, State, and local officials, and transmit to Congress, a report containing best practices for the security of public transportation systems. In developing best practices, the Secretary shall be responsible for consulting with and collecting input from owners, operators, and providers of public transportation systems, public transportation employee representatives, first responders, industry associations, private sector experts, academic experts, and appropriate Federal, State, and local officials.

SEC. 605. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a national plan

for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, public transportation passengers, and public transportation employees can take to increase public transportation system security. Such plan shall also provide outreach to owners, operators, providers, and employees of public transportation systems to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve public transportation security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 606. NATIONAL TRANSPORTATION SECURITY CENTERS.

(a) ESTABLISHMENT.—The Secretary of Homeland Security, working jointly with the Secretary of Transportation, shall establish more than 1 but not more than 4 National Transportation Security Centers at institutions of higher education to assist in carrying out this subtitle, to conduct research and education activities, and to develop or provide professional training, including the training of public transportation employees and public transportation-related professionals, with emphasis on utilization of intelligent transportation systems, technologies, and architectures.

(b) CRITERIA.—The Secretary shall designate the Centers according to the following selection criteria:

(1) The demonstrated commitment of the institution to transportation security issues.

(2) The use of and experience with partnerships with other institutions of higher education, Federal laboratories, or other nonprofit laboratories.

(3) Capability to conduct both practical and theoretical research and technical systems analysis.

(4) Utilization of intelligent transportation system technologies and architectures.

(5) Ability to develop professional training programs.

(6) Capability and willingness to conduct education of transportation security professionals.

(7) Such other criteria as the Secretary may designate.

(c) FUNDING.—The Secretary shall provide such funding as is necessary to the National Transportation Security Centers established under subsection (a) to carry out this section.

SEC. 607. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against (including by a denial, suspension, or revocation of a security clearance or by any other security access determination) if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule or regulation relating to national or homeland security, which the covered individual reasonably believes constitutes a threat to national or homeland security, or which the covered individual reasonably believes constitutes fraud, waste or mismanagement of Government funds intended to be used for national or homeland security, when the information or assistance is provided to or the investigation is conducted by—

(A) a Federal, State or local regulatory or law enforcement agency (including an office of Inspector General under the Inspector General Act of 1978);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate misconduct);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule or regulation relating to national or homeland security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to national or homeland security.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary has not issued a final decision within 180 days after the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief for any action under paragraph (1) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest;

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

(D) punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) STATE SECRETS PRIVILEGE.—If, in any action brought under subsection (b)(1)(B), the Government asserts as a defense the privilege commonly referred to as the ''state secrets privilege'' and the assertion of such privilege prevents the plaintiff from establishing a prima facie case in support of the plaintiff's claim, the court shall enter judgment for the plaintiff and shall determine the relief to be granted.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual to commit an act prohibited by subsection (a). Any person violating this paragraph shall be fined under title 18 of the United States Code, imprisoned not more than 10 years, or both.

(2) REPORTING REQUIREMENT.—The Department of Justice shall submit to Congress an annual report on the enforcement of paragraph (1). Each such report shall (A) identify each case in which formal charges under paragraph (1) were brought, (B) describe the status or disposition of each such case, and (C) in any actions under subsection (b)(1)(B) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(g) DEFINITIONS.—For purposes of this section—

(1) the term ''covered individual'' means an employee of—

(A) the Department of Homeland Security (which, for purposes of this section, includes the Transportation Security Administration);

(B) a Federal contractor or subcontractor; and

(C) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(2) the term ''lawful'' means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful;

(3) the term ''Federal contractor'' means a person who has entered into a contract with the Department of Homeland Security;

(4) the term ''employee'' means—

(A) with respect to an employer referred to in paragraph (1)(A), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in subparagraph (A) or (B) of paragraph (1), any officer, partner, employee, or agent;

(5) the term ''subcontractor''—

(A) means any person, other than the Federal contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department of Homeland Security or a subcontract entered into in connection with such a contract; and

(B) includes any person who offers to furnish or furnishes general supplies to the Federal contractor or a higher tier subcontractor; and

(6) the term ''person'' means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

(h) TERMS AND CONDITIONS.—A grant under this subtitle shall be subject to terms and conditions of section 5333 of title 49, United States Code.

(i) AUTHORIZATION OF FUNDS.—Of the amounts authorized under section 101, there is authorized to be appropriated amounts necessary for carrying out this section. Except as provided in the preceding sentence, this section shall have no force or effect.

SEC. 608. DEFINITION.

In this subtitle, the following definitions apply:

(1) PUBLIC TRANSPORTATION EMPLOYEES.—The term ''public transportation employees'' means security personnel, dispatchers, vehicle and vessel operators, other onboard employees, maintenance and support personnel, and other appropriate employees of owners, operators, and providers of public transportation systems.

(2) PUBLIC TRANSPORTATION SYSTEMS.—The term ''public transportation systems'' means passenger, commuter, and light rail, including subways, buses, commuter ferries, and other modes of public transit.

SEC. 609. MEMORANDUM OF AGREEMENT.

(a) REQUIREMENT TO WORK JOINTLY.—The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in carrying out this subtitle.

(b) MEMORANDUM.—Within 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Homeland Security and the Department of Transportation, respectively in addressing public transportation security matters, including the process their department will follow to carry out this subtitle and promote communications, efficiency, and nonduplication of effort.

Subtitle B—Rail Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''Rail Security Act of 2005''.

CHAPTER 1—RAILROAD SECURITY

SEC. 621. RAILROAD TRANSPORTATION SECURITY.

(a) IN GENERAL.—

(1) REQUIREMENTS.—The Secretary shall develop, prepare, implement, and update—

(A) a railroad security assessment under subsection (b)(1);

(B) a railroad security plan under subsection (b)(2);

(C) prioritized recommendations for improving railroad security under subsection (d);

(D) guidance for the rail worker security training program as authorized by section 624; and

(E) a national plan for public outreach and awareness for improving railroad security as authorized by section 627.

(2) ROLE OF SECRETARY OF TRANSPORTATION.—The Secretary shall work jointly with the Secretary of Transportation, in developing, preparing, revising, implementing, and updating the documents required by paragraph (1).

(3) MEMORANDUM OF AGREEMENT.—Within 60 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Homeland Security and the Department of Transportation, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to carry out this chapter and promote communications, efficiency, and nonduplication of effort.

(b) SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete the security assessment of railroad transportation required under subsection (a)(1). The security assessment shall include—

(A) identification and evaluation of critical railroad assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials by railroad;

(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of the railroad system in the event of an attack or other incident, including disruption of commercial electric power or communications networks; and

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems (including passenger and cargo screening), procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) SECURITY PLAN.—The Secretary shall use the security assessment completed under paragraph (1) to develop a transportation modal security plan under section 114(t)(1)(B) of title 49, United States Code, for the security of the Nation's railroads. The plan shall—

(A) establish a strategy for minimizing terrorist threats to railroad transportation systems;

(B) establish a strategy for maximizing the efforts of railroads to mitigate damage from terrorist attacks;

(C) require the Federal Government to provide increased security support at high or severe threat levels of alert;

(D) set forth procedures for establishing and maintaining permanent and comprehensive consultative relations among the parties described in subsection (c);

(E) include a contingency plan to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station; and

(F) account for actions taken or planned by both public and private entities to address security issues identified under paragraph (1) and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (b)(2) and the recommendations under subsection (d), the Secretary and the Secretary of Transportation shall consult with the freight and passenger railroad carriers, nonprofit employee organizations representing rail workers, nonprofit employee organizations representing emergency responders, owners or lessors of rail cars used to transport hazardous materials, shippers of hazardous materials, manufacturers of rail tank cars, State Departments of Transportation, public safety officials, and other relevant parties.

(d) RECOMMENDATIONS.—The Secretary shall develop prioritized recommendations for improving railroad security, including recommendations for—

(1) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified as posing significant railroad-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of railroad service;

(2) deploying surveillance equipment;

(3) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(4) installing redundant and backup systems to ensure the continued operation of critical elements of the railroad system in the event of an attack or other incident, including disruption of commercial electric power or communications networks;

(5) conducting public outreach campaigns on passenger railroads; and

(6) identifying the immediate and long-term costs of measures that may be required to address those risks.

(e) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report containing the security assessment, plan, and prioritized recommendations required by this section, along with an estimate of the cost to implement such recommendations.

(2) FORMAT.—The report may be submitted in a classified format if the Secretary determines that such action is necessary.

(f) PERIODIC UPDATES.—The Secretary shall update the railroad security assessment, security plan, and prioritized recommendations for improving railroad security under subsection (a), and the guidance for a railroad worker security training program under section 105, every 2 years and submit a report, which may be submitted in both classified and redacted formats, to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not less frequently than April 1 of each even-numbered year.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for the purpose of carrying out this section.

SEC. 622. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, in coordination with the Secretary of Transportation, is authorized to make grants to freight and passenger railroad carriers, nonprofit employee organizations that represent rail workers, shippers of hazardous materials by rail, owners of rail cars used in the transportation of hazardous materials, manufacturers of rail tank cars, and State and local governments, for costs incurred in the conduct of activities to prevent or respond to acts of terrorism or sabotage against railroads, or other railroad security threats, including—

(1) perimeter protection systems, including access control, installation of better lighting, fencing, and barricades at railroad facilities;

(2) structural modification or replacement of rail cars transporting hazardous materials to improve their resistance to acts of terrorism;

(3) technologies for reduction of tank car vulnerability;

(4) security improvements to passenger railroad stations, trains, and infrastructure;

(5) tunnel protection systems;

(6) evacuation improvements;

(7) inspection technologies, including verified visual inspection technologies using hand-held readers and discs;

(8) security and redundancy for critical communications, computer, and train control systems essential for secure railroad operations or to continue railroad operations after an attack impacting railroad operations;

(9) train tracking and interoperable communications systems;

(10) chemical, biological, radiological, or explosive detection systems and devices;

(11) surveillance equipment;

(12) additional police and security officers, including canine units;

(13) accommodation of cargo or passenger screening equipment;

(14) employee security awareness, preparedness, and response training (including compliance with section 625);

(15) public security awareness campaigns;

(16) emergency response equipment, including fire suppression and decontamination equipment; and

(17) other improvements recommended by the report required by section 621, including infrastructure, facilities, and equipment upgrades.

(b) CONDITIONS.—The Secretary shall require recipients of funds for construction under this section and section 623 of this Act to apply the standards of section 24312 of title 49, United States Code, as in effect on September 1, 2004, with respect to the construction in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of such title 49.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $600,000,000 to carry out the purposes of this section, of which $100,000,000 shall be used by the Secretary for making grants to Amtrak, in accordance with this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 623. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—There are authorized to be appropriated to Amtrak for the purposes of carrying out this section the following amounts:

(1) For the 6 new york tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2006;

(B) $100,000,000 for fiscal year 2007;

(C) $100,000,000 for fiscal year 2008;

(D) $100,000,000 for fiscal year 2009; and

(E) $170,000,000 for fiscal year 2010.

(2) For the baltimore & potomac tunnel and the union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2006;

(B) $10,000,000 for fiscal year 2007;

(C) $10,000,000 for fiscal year 2008;

(D) $10,000,000 for fiscal year 2009; and

(E) $17,000,000 for fiscal year 2010.

(3) For the washington, district of columbia, union station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2006;

(B) $8,000,000 for fiscal year 2007;

(C) $8,000,000 for fiscal year 2008;

(D) $8,000,000 for fiscal year 2009; and

(E) $8,000,000 for fiscal year 2010.

(b) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 624. RAIL SECURITY RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a research and development program for the purpose of improving railroad security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars; and

(C) communication-based train controls;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects recommended in the report required by section 621.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security, the Department of Transportation, and other Federal agencies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $50,000,000 in each of fiscal years 2006 and 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 625. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare rail workers for potential threat conditions.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(7) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 60 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for approval. Not later than 60 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and approve it or require the railroad carrier to make any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(d) TRAINING.—Not later than 1 year after the Secretary approves the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all rail workers in accordance with that program.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) from time to time to reflect new or different security threats, and require railroad carriers to revise their programs accordingly and provide additional training to their rail workers.

SEC. 626. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for railroad security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—No railroad carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security;

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security;

''(3) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or any other action to enhance railroad security; or

''(4) refused to violate or assist in the violation of any law, rule, or regulation related to railroad security.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

''(2) PROCEDURE.—

''(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of this title.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) of this title, shall be made to the person named in the complaint and to the employer.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) this title.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(A) shall be commenced not later than 90 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include

''(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Except as provided in subsection (e), nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

''(e) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection

under both this section and another provision of law for the same allegedly unlawful act of the railroad carrier.

''(f) DISCLOSURE OF IDENTITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), without the written consent of the employee, the Secretary of Labor may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) EXCEPTION.—The Secretary of Labor shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 49, is amended by inserting after the item relating to section 20115 the following:

''20116. Whistleblower protection for railroad security matters.''.''

SEC. 627. PUBLIC OUTREACH.

Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 628. PASSENGER, BAGGAGE, AND CARGO SCREENING.

The Secretary shall—

(1) analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 629. EMERGENCY RESPONDER TRAINING STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue training standards for persons responsible for responding to emergency situations occurring during transportation of hazardous materials by rail, in accordance with existing regulations, to ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving hazardous materials.

SEC. 630. INFORMATION FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary of Transportation shall provide grants to Operation Respond Institute for the purpose of

(1) deploying and expanding the Operation Respond Emergency Information System software;

(2) developing, implementing, and maintaining a railroad infrastructure mapping program that correlates railroad right-of-way information with highway grid maps and overhead imagery of traffic routes, hazardous materials routes, and commuter rail lines; and

(3) establishing an alert and messaging capability for use during emergencies involving freight and passenger railroads.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out this section $2,500,000 for each of fiscal years 2005, 2006, and 2007. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 631. TSA PERSONNEL LIMITATIONS.

Any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 632. RAIL SAFETY REGULATIONS.

Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security''.

SEC. 633. RAIL POLICE OFFICERS.

Section 28101 of title 49, United States Code, is amended by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

SEC. 634. DEFINITIONS.

For purposes of this chapter—

(1) the terms ''railroad'' and ''railroad carrier'' have the meaning given those terms in section 20102 of title 49, United States Code; and

(2) the term ''Secretary'' means the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security.

CHAPTER 2—ASSISTANCE TO FAMILIES OF PASSENGERS

SEC. 641. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1138. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) COMMUNICATING WITH THE FAMILIES OF PASSENGERS INVOLVED IN THE ACCIDENT AS TO THE ROLES OF.—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful

death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(i) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

''1138. Assistance to families of passengers invoolved in rail passenger accidents.''.

SEC. 642. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 251—FAMILY ASSISTANCE

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 180 days after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

SEC. 643. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the National Transportation Safety Board, organizations potentially designated under section 1138(a)(2) of title 49, United States Code, rail passenger carriers,

and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the model plan and recommendations developed by the task force under subsection (b).

TITLE VII—SECURING CRITICAL INFRASTRUCTURE

SEC. 701. CRITICAL INFRASTRUCTURE.

(a) COMPLETION OF PRIORITIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the prioritization of the Nation's critical infrastructure according to all of the following criteria:

(1) The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department regarding the intentions and capabilities of terrorist groups and other potential threats to the Nation's critical infrastructure.

(2) The likelihood that an attack would cause the destruction or significant disruption of such infrastructure.

(3) The likelihood that an attack would result in substantial numbers of deaths and serious bodily injuries, a substantial adverse impact on the national economy, or a substantial adverse impact on national security.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

SEC. 702. SECURITY REVIEW.

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary, in coordination with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate, shall—

(1) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization developed under section 701;

(2) recommend changes to existing plans for securing such infrastructure, as the Secretary determines necessary; and

(3) coordinate and contribute to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate, as directed in Homeland Security Presidential Directive 7.

(b) CONTENTS OF PLANS.—The recommendations made under subsection (a)(2) shall include—

(1) necessary protective measures to secure such infrastructure, including milestones and timeframes for implementation; and

(2) to the extent practicable, performance metrics to evaluate the benefits to both national security and the Nation's economy from the implementation of such protective measures.

SEC. 703. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of section 702. Such report shall detail—

(1) the Secretary's review and coordination of security plans under section 702; and

(2) the Secretary's oversight of the execution and effectiveness of such plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update of such report to the congressional committees described in subsection (a).

TITLE VIII—PREVENTING A BIOLOGICAL ATTACK

SEC. 801. GAO REPORT OF DEPARTMENT BIOLOGICAL TERRORISM PROGRAMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate assessing the full history of Department of Homeland Security activities with regard to biological terrorism and recommending which Department of the Government should administer such activities.

(b) INCLUDED CONTENTS.—The report shall consider and discuss—

(1) progress made in implementing the BioShield program;

(2) how effectively the Department of Health and Human Services is administering the BioShield program;

(3) whether the Department of Health and Human Services has the administrative capability necessary to fully implement the BioShield program; and

(4) the legislative history of the BioShield program, including the legislation that established the program as it was introduced in the Congress and considered and reported by the Select Committee on Homeland Security of the House of Representatives.

SEC. 802. REPORT ON BIO-COUNTERMEASURES.

Not later than 12 months after the date of enactment of this Act, the Secretary of Homeland Security in consultation with the Secretary of Health and Human Services shall transmit to the Congress a report with recommendations, on—

(1) the feasibility of supplying first responders, not limited to law enforcement, firefighters and emergency medical service personnel, with biological and chemical agent countermeasures or vaccinations when necessary;

(2) the appropriate levels and types of biological and chemical agents, industrial materials and other hazardous substances that first responders should be protected against; and

(3) the system and appropriate means of accessing, delivering, storing and dispersing countermeasures to first responder personnel.

TITLE IX—PROTECTION OF AGRICULTURE

SEC. 901. REPORT TO CONGRESS ON IMPLEMENTATION OF RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

The Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate by no later than 120 days after the date of the enactment of this Act regarding how the Department of Homeland Security will implement the applicable recommendations from the Government Accountability Office report entitled ''Homeland Security: Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain'' (GAO–05–214).

TITLE X—OPTIMIZING OUR SCREENING CAPABILITIES

Subtitle A—U.S. Visitor and Immigrant Status Indicator Technology Database

SEC. 1001. INTEROPERABILITY OF DATA FOR UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY.

(a) FINDINGS.—The Congress finds as follows:

(1) The Congress is troubled by the security gap on the Nation's borders caused by delays in linking fingerprint data in IDENT with criminal history data contained in IAFIS.

(2) The Congress expected that, by the end of 2004, such interoperability would be in place at airports, seaports, and the largest and busiest Border Patrol stations and land border ports of entry, but this will not be completed until December 31, 2005.

(3) With implementation of a new visa tracking system, and enrollment of millions of visitors in US-VISIT, it is essential that the Directorate of Border and Transportation Security collaborate with the Federal Bureau of Investigations to ensure that IDENT can retrieve, in real time, biometric information containing in IAFIS, and that IAFIS can retrieve, in real time, biometric information contained in IDENT.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare, and submit to the Committee on Homeland Security of the United States House of Representatives, a report that details the status of the effort to achieve real-time interoperability of IAFIS and IDENT, including the following:

(1) The steps the Department will take to achieve this goal, the funds needed to achieve this goal, and a timetable to achieve this goal.

(2) A description of the effort being made to address the recommendations in the March, 2004, Department of Justice Inspector General report and subsequent December, 2004, report, which documented the need to integrate existing biometric databases; and

(3) The plan for maintaining the interoperability of IAFIS and IDENT, once achieved.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''IAFIS'' means the Integrated Automated Fingerprint Identification System maintained by the Federal Bureau of Investigation of the Department of Justice.

(2) The term ''IDENT'' means the Automated Biometrics Identification System maintained by the Bureau of Customs and Border Protection of the Department of Homeland Security.

(3) The term ''US-VISIT'' means the United States Visitor and Immigrant Status Indicator Technology maintained by the Bureau of Customs and Border Protection of the Department of Homeland Security.

Subtitle B—Studies to Improve Border Management and Immigration Security

SEC. 1011. STUDY ON BIOMETRICS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of the National Institute of Standards and Technology, shall conduct a comprehensive study of all biometric identifiers that

might be collected for purposes of processing and adjudicating applications and petitions for immigration benefits, and shall determine which among these identifiers would be most appropriate for the purposes described in subsection (b). The Secretary shall provide the resources necessary to properly conduct the study.

(b) USES.—In carrying out subsection (a), the Secretary shall consider the use of a biometric identifier—

(1) to register or catalogue a petition or application for an immigration benefit upon submission to the appropriate Federal agency;

(2) to check the petitioner or applicant against watch lists;

(3) as part of the integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a); and

(4) to conduct background checks with Federal intelligence agencies.

(c) FACTORS.—The Secretary shall consider the following factors in making the determination under subsection (a):

(1) Accuracy

(2) The technology available.

(3) Economic considerations.

(4) Storage.

(5) Efficiency.

(6) Feasibility.

(d) SUBMISSION.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1012. STUDY ON DIGITIZING IMMIGRATION BENEFIT APPLICATIONS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a comprehensive study on digitizing all applications and petitions for an immigration benefit, including digital storage, cataloguing, and the ability to apply for all types of immigration benefits through digital means. The study should consider costs for both the Federal Government and the applicant or petitioner, as well as the feasibility for all types of persons to apply by digital means.

(b) SUBMISSION.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1013. STUDY ON ELIMINATION OF ARRIVAL/DEPARTURE PAPER FORMS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a comprehensive study on replacing Department of Homeland Security paper Form Number I–94 (Arrival/Departure Record) and Form Number I–94W (NIV Waiver Arrival/Departure Record) with procedures that ensure that the functions served by such forms are being carried out by electronic or digitized means. The study should consider the costs and savings to the Federal Government of such replacement.

(b) SUBMISSION.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1014. CATALOGUING IMMIGRATION APPLICATIONS BY BIOMETRIC.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a comprehensive study on whether all applications and petitions for an immigration benefit shall be registered or catalogued by the receiving agency using a biometric identifier. The Secretary of Homeland Security shall study one or more alternative biometric identifiers to be used for such purposes.

(b) SUBMISSION.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives. It shall include recommendations for resource allocation.

TITLE XI—SECURING CYBERSPACE AND HARNESSING TECHNOLOGY TO PREVENT DISASTER

Subtitle A—Department of Homeland Security Cybersecurity Enhancement

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Department of Homeland Security Cybersecurity Enhancement Act of 2005''.

SEC. 1102. ASSISTANT SECRETARY FOR CYBERSECURITY.

Section 201(b) of the Homeland Security Act of 2002 (6 U.S.C. 121(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) ASSISTANT SECRETARY FOR CYBERSECURITY.—There shall be in the Department an Assistant Secretary for Cybersecurity, who shall be appointed by the President.''; and

(3) in paragraph (4), as redesignated by subparagraph (A) of this paragraph—

(A) by striking ''Analysis and the'' and inserting ''Analysis, the''; and

(B) by striking ''Protection shall'' and inserting ''Protection, and the Assistant Secretary for Cybersecurity shall''.

SEC. 1103. CYBERSECURITY TRAINING PROGRAMS AND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for—

(1) the establishment or expansion of cybersecurity professional development programs;

(2) the establishment or expansion of associate degree programs in cybersecurity; and

(3) the purchase of equipment to provide training in cybersecurity for either professional development programs or degree programs.

(b) ROLES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, acting through the Assistant Secretary for Cybersecurity and in consultation with the Director of the National Science Foundation, shall establish the goals for the program established under this section and the criteria for awarding grants under the program.

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall operate the program established under this section consistent with the goals and criteria established under paragraph (1), including soliciting applicants, reviewing applications, and making and administering grant awards. The Director may consult with the Assistant Secretary for Cybersecurity in selecting awardees.

(3) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section.

(c) GRANT AWARDS.—

(1) PEER REVIEW.—All grant awards under this section shall be made on a competitive, merit-reviewed basis.

(2) FOCUS.—In making grant awards under this section, the Director shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented minorities.

(3) PREFERENCE.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 101, there is authorized to be appropriated to the Secretary for carrying out this section $3,700,000 for fiscal year 2006.

(e) DEFINITIONS.—In this section, the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1104. CYBERSECURITY RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et. seq.) is amended by adding at the end the following new section:

''SEC. 314. CYBERSECURITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support research and development, including fundamental, long-term research, in cybersecurity to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

''(b) ACTIVITIES.—The research and development supported under subsection (a), shall include work to—

''(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

''(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

''(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and

''(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Assistant Secretary for Cybersecurity; and

''(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify unmet needs and cooperatively support activities, as appropriate.

''(d) NATURE OF RESEARCH.—Activities under this section shall be carried out in accordance with section 306(a) of this Act.''.

Subtitle B—Coordination With National Intelligence Director

SEC. 1111. IDENTIFICATION AND IMPLEMENTATION OF TECHNOLOGIES THAT IMPROVE SHARING OF INFORMATION WITH THE NATIONAL INTELLIGENCE DIRECTOR.

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by inserting '', including identifying and implementing technologies that improve sharing of information with the National Intelligence Director,'' after ''within the Federal Government''.

Subtitle C—Cybersecurity Research

SEC. 1121. SUPPORT OF BASIC CYBERSECURITY RESEARCH.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 121 et seq.) is amended by adding the following:

''SEC. 314. SUPPORT OF BASIC CYBERSECURITY RESEARCH.

''The Secretary, through the Directorate of the Department of Science and Technology

and subject to the availability of appropriations, shall fund basic cybersecurity research, including the following:

''(1) Development of information technology design protocols, methodologies, and applications to improve the integration of security control and protocols into next-generation-networks, mobile and wireless networks, and computing devices and applications.

''(2) Development of network-based control mechanisms for improving the capability of operators and service providers to disable malicious action by hostile actors.

''(3) Development of mechanisms for improving international network responsiveness to cybersecurity threats, including predictive modeling, communication mechanisms and information sharing systems.

''(4) Modeling of the cyber vulnerabilities of the Nation's critical infrastructures, including Supervisory Control and Data Acquisition (SCADA) and Digital Control Systems (DCS).

''(5) Mapping of key interdependences, choke-points, and single points-of-failure within the Nation's cyber critical infrastructure and the development of remediation programs.

''(6) Development of technologies, methodologies, and applications to mitigate the most common cyber vulnerabilities affecting networks, including viruses, worms, and denial-of-service attacks.

''(7) Identification of emerging cybersecurity threats and vulnerabilities affecting next-generation networks and mobile and wireless networks.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

''Sec. 314. Support of basic cybersecurity research.''.

Subtitle D—Cybersecurity Training and Equipment

SEC. 1131. CYBERSECURITY TRAINING PROGRAMS AND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for—

(1) the establishment or expansion of cybersecurity professional development programs;

(2) the establishment or expansion of associate degree programs in cybersecurity; and

(3) the purchase of equipment to provide training in cybersecurity for either professional development programs or degree programs.

(b) ROLES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, acting through the Assistant Secretary for Cybersecurity and in consultation with the Director of the National Science Foundation, shall establish the goals for the program established under this section and the criteria for awarding grants under the program.

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall operate the program established under this section consistent with the goals and criteria established under paragraph (1), including soliciting applicants, reviewing applications, and making and administering grant awards. The Director may consult with the Assistant Secretary for Cybersecurity in selecting awardees.

(3) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section.

(c) GRANT AWARDS.—

(1) PEER REVIEW.—All grant awards under this section shall be made on a competitive, merit-reviewed basis.

(2) FOCUS.—In making grant awards under this section, the Director shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented minorities.

(3) PREFERENCE.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for carrying out this section $3,700,000 for fiscal year 2006.

(e) DEFINITIONS.—In this section, the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

TITLE XII—HELPING FIRST RESPONDERS GET THEIR JOB DONE

Subtitle A—Communications Interoperability

SEC. 1201. INTEROPERABLE COMMUNICATIONS TECHNOLOGY GRANT PROGRAM.

Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended by adding at the end the following:

''(e) INTEROPERABLE COMMUNICATIONS GRANTS.—

''(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) COMMUNICATIONS INTEROPERABILITY.—The term 'communications interoperability' means the ability of public safety service and support providers, including emergency response providers, to communicate with other responding agencies and Federal agencies if necessary, through information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(B) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(i) has submitted a plan under paragraph (4); and

''(ii) the Secretary determines has not achieved adequate statewide communications interoperability.

''(C) PUBLIC SAFETY AGENCIES.—The term 'public safety agencies' includes emergency response providers and any other persons that the Secretary determines must communicate effectively with one another to respond to emergencies.

''(2) IN GENERAL.—The Secretary shall—

''(A) make grants on a competitive basis directly to local governments (including a consortium of local governments) and public safety agencies within eligible States, in consultation with the chief executives of the State or States, for the purpose of assisting in the development of interoperable communications systems at any stage, including—

''(i) planning, system design, and engineering;

''(ii) procurement and installation of equipment;

''(iii) operations and maintenance of equipment; and

''(iv) testing and technology development; and

''(B) make grants to eligible States for initiatives necessary to achieve communications interoperability within each State, including—

''(i) statewide communications planning;

''(ii) system design and engineering;

''(iii) procurement and installation of equipment;

''(iv) operations and maintenance of equipment; and

''(v) testing and technology development initiatives.

''(3) COORDINATION.—

''(A) IN GENERAL.—The Secretary shall ensure that grants administered under this subsection are coordinated with the activities of other entities of the Department and other Federal entities so that grants awarded under this subsection, and other grant programs related to homeland security, facilitate the achievement of the strategy developed under section 6 of the Faster and Smarter Funding for First Responders Act of 2005.

''(B) RELATIONSHIP TO EXISTING GRANT PROGRAMS.—Nothing in this Act shall provide for the combination of grant funds among the grant program established under this subsection and any other grant programs administered by the Department of Homeland Security, including the State Homeland Security Grant Program of the Department, or any successor to such grant program, and the Urban Area Security Initiative of the Department, or any successor to such grant program.

''(4) ELIGIBILITY.—

''(A) SUBMISSION OF PLAN.—To be eligible to receive a grant under this subsection, each eligible State, or local governments or public safety agencies within an eligible State or States, shall submit a communications interoperability plan to the Secretary that—

''(i) addresses any stage of the development of interoperable communications systems, including planning, system design and engineering, procurement and installation, operations and maintenance, and testing and technology development;

''(ii) if the applicant is not a State, includes a description of how the applicant addresses the goals specified in any applicable State plan or plans submitted under this section; and

''(iii) is approved by the Secretary.

''(B) INCORPORATION AND CONSISTENCY.—A plan submitted under subparagraph (A) may be part of, and shall be consistent with, any other homeland security plans required of the submitting party by the Department.

''(5) AWARD OF GRANTS.—

''(A) CONSIDERATIONS.—In approving plans and awarding grants under this subsection, the Secretary shall consider—

''(i) the nature of the threat to the eligible State or local jurisdiction;

''(ii) the location, risk, or vulnerability of critical infrastructure and key national assets;

''(iii) the number, as well as the density, of persons who will be served by interoperable communications systems;

''(iv) the extent of the partnerships, existing or planned, established between local jurisdictions and agencies participating in the development of interoperable communications systems, and their coordination with Federal and State agencies;

''(v) the level of communications interoperability already achieved by the jurisdictions;

''(vi) the extent to which the communications interoperability plan submitted under paragraph (4) adequately addresses steps necessary to implement short-term or long-term solutions to communications interoperability;

''(vii) the extent to which eligible States and local governments, in light of their financial capability, demonstrate their commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(viii) the extent to which grants will expedite the achievement of interoperability in the relevant jurisdiction with Federal, State, and local agencies; and

''(ix) the extent to which grants will be utilized to implement advanced communications technologies to promote interoperability.

''(B) COST SHARING.—

''(i) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant to an applicant awarded under this section shall not exceed 75 percent.

''(ii) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under clause (i) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(6) REIMBURSEMENT.—

''(A) IN GENERAL.—Unless otherwise requested by the recipient of a grant under this subsection, grants shall not be awarded to reimburse the recipient for prior expenditures related to achieving communications interoperability.

''(B) EXCEPTION.—The Secretary shall reimburse public safety agencies directly for costs incurred for expenditures related to achieving communications interoperability, if—

''(i) the public safety agency expended funds after September 11, 2001, and before the date of enactment of this subsection; and

''(ii) such expenditures are consistent with and supportive of the communications interoperability plan approved by the Secretary under paragraph (4)(A)(iii).

''(C) TERMINATION OF AUTHORITY.—The authority of the Secretary under subparagraph (B) shall terminate one year after the date on which the Department of Homeland Security first allocates grant funds for this program.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 2006, $750,000,000 for fiscal year 2007, $1,000,000,000 for fiscal year 2008, $1,250,000,000 for fiscal year 2009, $1,500,000,000 for fiscal year 2010, and such sums as are necessary each fiscal year thereafter, to carry out the purposes of this subsection.''.

SEC. 1202. STUDY REVIEWING COMMUNICATION EQUIPMENT INTEROPERABILITY.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study reviewing communication equipment interoperability and the viability of an acquisition strategy that requires all agencies to purchase equipment made by manufacturers that have committed to allow their products to be reverse engineered, so that interoperability can be assured regardless of manufacturer.

(b) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendation of the study by not later than 6 months after the date of the enactment of this Act.

SEC. 1203. PREVENTION OF DELAY IN REASSIGNMENT OF DEDICATED SPECTRUM FOR PUBLIC SAFETY PURPOSES.

It is the sense of Congress that—

(1) communications interoperability is a critical problem faced by our Nation's first responders;

(2) permanently correcting this problem requires broadcast spectrum dedicated for use by first responders; and

(3) Congress supports prompt action to make certain dedicated spectrum is available for use by first responders.

Subtitle B—Homeland Security Terrorism Exercises

SEC. 1211. SHORT TITLE.

This subtitle may be cited as the ''Homeland Security Terrorism Exercises Act of 2005.''

SEC. 1212. NATIONAL TERRORISM EXERCISE PROGRAM.

(a) IN GENERAL.—Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended by striking ''and'' after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ''; and'', and by adding at the end the following:

''(10) designing, developing, performing, and evaluating exercises at the National, State, territorial, regional, local, and tribal levels of government that incorporate government officials, emergency response providers, public safety agencies, the private sector, international governments and organizations, and other appropriate entities to test the Nation's capability to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism.''.

(b) NATIONAL TERRORISM EXERCISE PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Title VIII of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following new subtitle:

''Subtitle J—Terrorism Preparedness Exercises

''SEC. 899a. NATIONAL TERRORISM EXERCISE PROGRAM.

''(a) IN GENERAL.—The Secretary, through the Office for Domestic Preparedness, shall establish a National Terrorism Exercise Program for the purpose of testing and evaluating the Nation's capabilities to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism that—

''(1) enhances coordination for terrorism preparedness between all levels of government, emergency response providers, international governments and organizations, and the private sector;

''(2) is—

''(A) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

''(B) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

''(C) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

''(D) evaluated against performance measures and followed by corrective action to solve identified deficiencies; and

''(E) assessed to learn best practices, which shall be shared with appropriate Federal, State, territorial, regional, local, and tribal personnel, authorities, and training institutions for emergency response providers; and

''(3) assists State, territorial, local, and tribal governments with the design, implementation, and evaluation of exercises that—

''(A) conform to the requirements of paragraph (2); and

''(B) are consistent with any applicable State homeland security strategy or plan.

''(b) NATIONAL LEVEL EXERCISES.—The Secretary, through the National Terrorism Exercise Program, shall perform on a periodic basis national terrorism preparedness exercises for the purposes of—

''(1) involving top officials from Federal, State, territorial, local, tribal, and international governments, as the Secretary considers appropriate;

''(2) testing and evaluating the Nation's capability to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction; and

''(3) testing and evaluating the Nation's readiness to respond to and recover from catastrophic acts of terrorism, especially those involving weapons of mass destruction.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title VIII the following:

''Subtitle J—Terrorism Preparedness Exercises

''Sec. 899a. National terrorism exercise program.''.

Subtitle C—Citizenship Preparedness

SEC. 1221. FINDINGS.

The Congress finds that individual citizens must be a significant part of our overall approach to the Nation's security because—

(1) September 11, 2001, confirmed that all Americans have responsibility for homeland security;

(2) the United States will not be secure until the hometown is secure and the ''publicity and the vigilance of ordinary Americans make a difference'' in their communities' abilities to prepare for, to train for, and to respond to disasters of all kinds; and

(3) emergency responders can become overwhelmed in a catastrophic event and citizens must be prepared and trained to take care of themselves and others.

SEC. 1222. PURPOSES.

The purpose of this title is to to provide an orderly and continuing means of assistance by the Federal Government to State, local, and tribal governments in carrying out their responsibilities to engage all Americans in homeland security to provide an orderly and continuing means of assistance by the Federal Government to State, local, and tribal governments in carrying out their responsibilities to engage all Americans in homeland security by—

(1) achieving greater coordination among citizens, the private sector, non-governmental organizations, and all emergency responder disciplines through Citizen Corps Councils;

(2) encouraging individuals and communities to prepare for all hazards and threats;

(3) providing Federal assistance to establish, to build, and to sustain Citizen Corps Councils, which foster a comprehensive partnership among all emergency responder disciplines, government officials, the private sector, community and faith-based organizations to develop a local, risk-based strategy plan to engage citizens in hometown security through accurate preparedness information through public education and outreach; timely event-based information, including alerts and warnings; training in preparedness, prevention, and emergency response skills; and opportunities for collaboration with local emergency responders through volunteer programs, exercises, community outreach, and other coordinated efforts to promote citizen preparedness;

(4) focusing on how both to include people with disabilities and special needs in emergency preparedness and response training and collaboration opportunities and to ensure that emergency responders are better preparedness to meet the needs of this segment of society; and

(5) endorsing homeland security plans and strategies that integrate citizen/volunteer resources and participation and task force/advisory council memberships that include advocates for increased citizen participation.

SEC. 1223. CITIZENS CORPS; PRIVATE SECTOR PREPAREDNESS.

Title I of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''SEC. 104. CITIZEN CORPS AUTHORIZATION.

''(a) ADMINISTRATION AND SUPERVISION.—Citizen Corps and other community preparedness programs in the Department of Homeland Security shall be administered by the Executive Director of the Office of State

and Local Government Coordination and Preparedness under the supervision and direction of the Secretary.

''(b) EXECUTIVE DIRECTOR.—The Executive Director—

''(1) shall serve as Chair of the National Citizen Corps Council;

''(2) shall convene meetings of the National Citizen Corps Council at his own discretion or at the direction of the Secretary;

''(3) shall coordinate with State, local, and tribal government personnel, agencies, and authorities, and with the private sector, to ensure adequate planning, equipment, training, and exercise activities to fulfill the mission of engaging citizens in homeland security; and

''(4) shall provide periodic reports on the status of Citizen Corps and citizen preparedness to the Homeland Security Council through the Secretary.

''(c) USES OF FUNDS.—Funds made available under this title shall be used for the following:

''(1) Activities related to the component programs of Citizen Corps, including but not limited to Community Emergency Response Teams, Fire Corps, Volunteers in Police Service, USA on Watch, and Medical Reserve Corps.

''(2) To provide funding to States in accordance with Public Law 107–296, except that States must pass through at least 80 percent of funds received under this title to local Citizen Corps Councils.

''(3) State and local Citizen Corps councils may purchase educational materials for use in elementary and secondary schools for emergency preparedness education programs.

''(d) COORDINATION WITH OTHER FEDERAL ENTITIES.—The Executive Director—

''(1) shall support the coordination among all Federal entities to develop and sustain Citizen Corps and citizen preparedness and participation, especially the Departments of Health and Human Services, Justice, Commerce, Education, the Environmental Protection Agency, and Corporation for National and Community Service; and

''(2) shall have the authority to make contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Executive Director's responsibilities under this title or otherwise provided by law.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title—

''(1) for fiscal year 2006, $50 million;

''(2) for fiscal year 2007, $55 million;

''(3) for fiscal year 2008, $60 million;

''(4) for fiscal year 2009, $65 million; and

''(5) for fiscal year 2010, $70 million.

''SEC. 105. PRIVATE SECTOR EMERGENCY PREPAREDNESS PROGRAM.

''(a) PREPAREDNESS PROGRAM.—Not later than 90 days after the date of the enactment of this title, the Secretary shall develop and implement a program to enhance private sector preparedness for emergencies and disasters, including emergencies resulting from acts of terrorism.

''(b) PROGRAM ELEMENTS.—In carrying out the program, the Secretary shall develop guidance and identify best practices to assist or foster action by the private sector in—

''(1) identifying hazards and assessing risks and impacts;

''(2) mitigating the impacts of a wide variety of hazards, including weapons of mass destruction;

''(3) managing necessary emergency preparedness and response resources;

''(4) developing mutual aid agreements;

''(5) developing and maintaining emergency preparedness and response plans, as well as associated operational procedures;

''(6) developing and maintaining communications and warning systems;

''(7) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

''(8) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

''(9) developing procedures to respond to external requests for information from the media and the public.

''(c) STANDARDS.—

''(1) IN GENERAL.— The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards include the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

''(2) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Under Secretary for Emergency Preparedness and Response, the Under Secretary for Science and Technology, the Under Secretary for Information Analysis and Infrastructure Protection, and the Special Assistant to the Secretary for the Private Sector.

''(d) COORDINATION.—The Secretary shall coordinate the program with, and utilize to the maximum extent practicable—

''(1) the voluntary standards for disaster and emergency management and business continuity programs developed by the American National Standards Institute and the National Fire Protection Association; and

''(2) any existing private sector emergency preparedness guidance or best practices developed by private sector industry associations or other organizations.''.

Subtitle D—Emergency Medical Services

SEC. 1231. EMERGENCY MEDICAL SERVICES ADMINISTRATION.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following:

''SEC. 510. EMERGENCY MEDICAL SERVICES ADMINISTRATION.

''(a) ESTABLISHMENT.—There is established, within the Directorate of Emergency Preparedness and Response, an Emergency Medical Services Administration to oversee and coordinate government efforts related to emergency medical services response to incidents of terrorism, including governmental and nongovernmental emergency medical services.

''(b) RESPONSIBILITIES.—The head of the Emergency Medical Services Administration shall—

''(1) coordinate activities related to emergency medical services and homeland security;

''(2) serve as liaison to the emergency medical services community;

''(3) evaluate training programs and standards for emergency medical services personnel;

''(4) conduct periodic assessments into the needs and capabilities of emergency medical services providers, including governmental and nongovernmental providers;

''(5) conduct periodic research into the number of emergency medical services personnel, including governmental and nongovernmental emergency medical services, as well emergency medical services providers that are associated with fire departments or hospital-based.

''(c) NATIONWIDE NEEDS ASSESSMENT.—The head of the Emergency Medical Services Administration shall conduct nationwide needs assessment of emergency medical services capabilities and needs related to equipment, training, and personnel.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items related to title V the following:

''Sec. 510. Emergency Medical Services Administration.''.

SEC. 1232. SENSE OF CONGRESS.

The Secretary of the Department of Homeland Security should review the current system for distributing Emergency Management Performance Grants and consider distributing grant funds to State emergency managers rather than to State homeland security directors.

Subtitle E—Lessons Learned Information Sharing System

SEC. 1241. LESSONS LEARNED, BEST PRACTICES, AND CORRECTIVE ACTION.

(a) IN GENERAL.—In conjunction with the National Memorial Institute for the Prevention of Terrorism (MIPT) in Oklahoma City, Oklahoma, the Secretary shall support the continued growth and operation of the Lessons Learned Information Sharing (LLIS.gov) system to promote the generation and dissemination of peer-validated lessons learned, best practices, and corrective actions across the entire range of emergency response and homeland security disciplines for all local, state, tribal, and national jurisdictions. Lessons Learned Information Sharing is the recognized national collaborative network to enhance preparedness and prevention capabilities throughout the country. In supporting Lessons Learned Information Sharing, the Secretary shall ensure the following:

(1) that the National Memorial Institute for the Prevention Terrorism (MIPT), in its unique role as an independent and honest broker of lessons learned, best practices, and corrective action, remain the Department's official steward of Lessons Learned Information Sharing;

(2) that the Lessons Learned Information Sharing system be expanded to include research and analysis on all primary, secondary, and tertiary emergency response and homeland security disciplines;

(3) that the successful model of the Lessons Learned Information Sharing system be applied to address the lessons learned and best practices needs of both the private sector and the American public at large;

(4) that the Lessons Learned Information Sharing system be expanded and made available to the emergency responders and domestic security officials of our international allies, as deemed appropriate by the Secretary, to include the collection and accommodation of international lessons learned and best practices;

(5) that the Lessons Learned Information Sharing system serve as the host platform and parent system for the Department's Corrective Action and Improvement Program that supports the Homeland Security National Exercise Program, Senior Officials Exercises, and Top Officials (TopOff) exercises, in accordance with the Department's Homeland Security Exercise and Evaluation Program (HSEEP);

(6) that the Lessons Learned Information Sharing system support the continued analysis and implementation of the National Preparedness Goal and National Preparedness Guidance as required by Homeland Security Presidential Decision Directive Eight;

(7) that the Lessons Learned Information Sharing System shall study the feasibility of developing a non-secure section for non-confidential and non-sensitive information;

(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary is authorized to be appropriated $17,000,000 for the fiscal year 2006 to carry out the above requirements.

Subtitle F—Technology Transfer Clearinghouse

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the ''Department of Homeland Security Technology Development and Transfer Act of 2005''.

SEC. 1252. TECHNOLOGY DEVELOPMENT AND TRANSFER.

(a) ESTABLISHMENT OF TECHNOLOGY CLEARINGHOUSE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete the establishment of the Technology Clearinghouse under Section 313 of the Homeland Security Act of 2002.

(b) TRANSFER PROGRAM.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

''(6) The establishment of a homeland security technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local governmental agencies, emergency response providers, and the private sector to prevent, prepare for, or respond to acts of terrorism.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

''(c) TECHNOLOGY TRANSFER PROGRAM.—In developing the program described in subsection (b)(6), the Secretary, acting through the Under Secretary for Science and Technology, shall—

''(1) in consultation with the other Undersecretaries of the Department and the Director of the Office for Domestic Preparedness, on an ongoing basis—

''(A) conduct surveys and reviews of available appropriate technologies that have been, or are in the process of being developed or demonstrated by the Department, other Federal agencies, or the private sector or foreign governments and international organizations and that may be useful in assisting Federal, State, and local governmental agencies, emergency response providers, or the private sector to prevent, prepare for, or respond to acts of terrorism;

''(B) conduct or support research and development as appropriate of technologies identified under subparagraph (A), including any necessary modifications to such technologies for anti-terrorism use;

''(C) communicate to Federal, State, and local governmental agencies, emergency response providers, or the private sector the availability of such technologies for anti-terrorism use, as well as the technology's specifications, satisfaction of appropriate standards, and the appropriate grants available from the Department to purchase such technologies;

''(D) coordinate the selection and administration of all technology transfer activities of the Science and Technology Directorate, including projects and grants awarded to the private sector and academia; and

''(E) identify priorities based on current risk assessments within the Department of Homeland Security for identifying, researching, developing, modifying, and fielding existing technologies for anti-terrorism purposes; and

''(2) in support of the activities described in paragraph (1)—

''(A) consult with Federal, State, and local emergency response providers;

''(B) consult with government and nationally recognized standards organizations as appropriate;

''(C) enter into agreements and coordinate with other Federal agencies and foreign governments and international organizations as the Secretary determines appropriate, in order to maximize the effectiveness of such technologies or to facilitate commercialization of such technologies; and

''(D) consult with existing technology transfer programs and Federal and State training centers that research, develop, and transfer military and other technologies for use by emergency response providers.''.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Under Secretary for Science and Technology shall transmit to the Congress a description of the progress the Department has made in implementing the provisions of section 313 of the Homeland Security Act of 2002, as amended by this Act, including a description of the process used to review unsolicited proposals received as described in subsection (b)(3) of such section.

(d) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by this section) shall be construed to alter or diminish the effect of the limitation on the authority of the Secretary of Homeland Security under section 302(4) of the Homeland Security Act of 2002 (6 U.S.C. 182(4)) with respect to human health-related research and development activities.

Subtitle G—Metropolitan Medical Response System

SEC. 1261. METROPOLITAN MEDICAL RESPONSE SYSTEM; AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—For the Metropolitan Medical Response System within the Department of Homeland Security, there is authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2008.

(b) RESERVATION OF AMOUNTS FOR LOCAL RESPONSIBILITIES.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary of Homeland Security shall reserve not less than 90 percent to provide funds to the appropriate local entities for carrying out local responsibilities with respect to the Metropolitan Medical Response System.

TITLE XIII—FIGHTING DOMESTIC TERRORISM

SEC. 1301. ADVISORY COMMITTEE ON DOMESTIC TERRORIST ORGANIZATIONS.

(a) REQUIREMENT TO ESTABLISH.—Title I of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following:

''SEC. 104. ADVISORY COMMITTEE ON DOMESTIC TERRORIST ORGANIZATIONS.

''(a) ESTABLISHMENT.—To assist the Secretary in identifying the threat posed by domestic terrorist organizations, the Secretary shall establish an advisory body pursuant to section 871(a) by not later than 60 days after the date of the enactment of this section, which shall be known as the Advisory Committee on Domestic Terrorist Organizations.

''(b) REPORT.—The advisory committee shall submit to the Secretary, by not later than 6 months after its establishment by the Secretary under subsection (a) and not later than every 1 year thereafter, a report on the threat posed by domestic terrorist organizations. Each report shall—

''(1) include an assessment of the nature and scope of domestic terrorist organization threats to the homeland;

''(2) detect and identify threats of domestic terrorist organizations against the United States;

''(3) assess the Department's performance in detecting, identifying, and countering domestic terrorist organizations and their threat to the homeland; and

''(4) suggest improvements in the Department's efforts to detect, identify, and counter domestic terrorist organizations and their threat to the homeland.

''(c) ADVISE ON PARTICULAR THREATS.—At the Secretary's discretion, the Advisory Committee may also advise the Secretary on particular threats posed by domestic terrorist organizations.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall consist of representatives of 15 organizations that have long-standing experience in monitoring domestic terrorist organizations and assessing their danger, and shall include a representative of each of—

''(A) the Southern Poverty Law Center;

''(B) the Simon Wiesenthal Center;

''(C) the Anti-Defamation League;

''(D) the National Association for the Advancement of Colored People;

''(E) the Arab American Institute;

''(F) the American-Arab Anti-Discrimination Committee;

''(G) the National Coalition of Anti-Violence Programs; and

''(H) the National Abortion Federation.

''(2) EX OFFICIO MEMBERS.—The Secretary shall designate one or more officers of the Department to serve as ex officio members of the Advisory Committee. One of such ex officio members from the Department shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, Untied States Code, shall apply to the Task Force.

''(f) TERRORIST ORGANIZATION DEFINED.—In this section, the term 'domestic terrorist organization' means an organization that is based primarily in the United States and that engages in domestic terrorism (as that term is defined in section 2331 of title 18, United States Code) or that has the capability and intent to engage in domestic terrorism.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title I the following:

''Sec. 104. Advisory Committee on Domestic Terrorist Organizations.''.

TITLE XIV—CREATING A DIVERSE AND MANAGEABLE DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Authorities of Privacy Officer

SEC. 1401. AUTHORITIES OF PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting before the first sentence the following: ''(a) APPOINTMENT AND RESPONSIBILITIES.—'';

(2) in subsection (a) (as designated by the amendment made by paragraph (1) of this section) by striking ''to assume'' and inserting ''as the Privacy Officer of the Department. The Privacy Officer shall have''; and

(3) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—The Privacy Officer shall have the same authority as the Inspector General of the Department to require employees of the Department to produce documents and answer questions, with respect to any matter within the authority of the senior official under subsection (a).

''(c) TERM OF OFFICE.—The term of appointment of an individual as Privacy Officer shall be 5 years.

''(d) REPORTS TO CONGRESS.—The Privacy Officer shall submit reports directly to the

Congress regarding any matter within the authority of the Privacy Officer under this section, without any prior comment or amendment from the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.''.

Subtitle B—Ensuring Diversity in Department of Homeland Security Programs

SEC. 1411. ANNUAL REPORTS RELATING TO EMPLOYMENT OF COVERED PERSONS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''Secretary'' means the Secretary of Homeland Security;

(2) the term ''Department'' means the Department of Homeland Security;

(3) the term ''covered persons'' means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities;

(4) the term ''category'', as used with respect to covered persons, refers to the categories of persons identified in subparagraphs (A), (B), and (C), respectively, of paragraph (3); and

(5) the term ''element'', as used with respect to the Department, means a directorate of the Department and the office of the Secretary.

(b) ANNUAL REPORTS.—Not later than February 1 of each year, the Secretary shall prepare and transmit to each House of Congress a report on the employment of covered persons by the Department during the preceding fiscal year. Each such report shall include, for each element of the Department, the following:

(1) The total number of individuals holding positions within such element as of the end of such fiscal year and, of that number, the percentage (in the aggregate and by category) that covered persons comprised.

(2) For each pay grade, pay band, or other pay classification of each pay schedule and for every other rate of pay—

(A) the total number of individuals holding positions within such element as of the end of such fiscal year who were subject to each such pay classification or rate; and

(B) of the respective numbers under subparagraph (A), the percentage (in the aggregate and by category) that covered persons comprised.

(3) The total number of individuals appointed to positions within such element during such fiscal year and, of that number, the percentage (in the aggregate and by category) that covered persons comprised.

(c) UNCLASSIFIED FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex if the Secretary considers one to be necessary.

SEC. 1412. PROCUREMENT.

(a) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department of Homeland Security shall submit to the Secretary of Homeland Security, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) identifies each program of the Department for which the aggregate value of contracts awarded in fiscal year 2005 under the program to persons that are small disadvantaged business, women-owned small businesses, or historically underutilized business zones (popularly known as ''HUBZones'') was less than 5 percent of the total value of all contracts awarded under the program in that fiscal year; and

(2) identifies and describes any barriers to achieving a goal of awarding to such persons each fiscal year contracts having an aggregate value of at least 5 percent of the total value of all contracts awarded under the program in the fiscal year.

(b) ACTION PLAN.—

(1) ACTION PLAN REQUIRED.—Not later than 90 days after the date of the submission of the report required under subsection (a), the Chief Procurement Officer, in consultation with Office of Small and Disadvantaged Businesses Utilization of the Department, shall develop , submit to the Committees referred to in subsection (a), and begin implementing for each program identified under subsection (a)(1) an action plan for achieving the goal described in subsection (a)(2).

(2) PERFORMANCE MEASURES AND TIMETABLE.—Each action plan shall include performance measures and a timetable for compliance and achievement of the goal described in subsection (a)(2).

SEC. 1413. CENTERS OF EXCELLENCE PROGRAM.

In selecting the first institution of higher education selected after the date of the enactment of this Act under the Department of Homeland Security Centers of Excellence program, the Secretary of Homeland Security shall select an otherwise eligible applicant that is an historically black college or university that receives assistance under part B of title III of the Higher Education Act of 1965 (20 U.S.C 106 et seq), an hispanic-serving institution (as that term is defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a), or a tribally controlled college or university (as that term is defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

Subtitle C—Protection of Certain Employee Rights

SEC. 1421. PROVISIONS TO PROTECT CERTAIN EMPLOYEE RIGHTS.

(a) COLLECTIVE BARGAINING, APPEALS, ETC.—

(1) IN GENERAL.—Section 9701(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting ''(F),'' after ''(E),''; and

(B) in paragraph (2), by striking ''59, 72, 73, and 79,'' and inserting ''and 59,''.

(2) CONFORMING AMENDMENT.—Section 9701(f) of title 5, United States Code, is repealed.

(b) RATES OF PAY.—Section 9701(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) to fix the pay for any position at a rate that is less than—

''(A) in the case of a position that (if this chapter had not been enacted) would have been subject to the provisions of this title relating to the General Schedule, the rate determined under such provisions; or

''(B) in the case of any other position, the rate determined under such provisions for the position that is most similar in its duties and responsibilities to those of such other position (as determined under regulations) and that is subject to such provisions.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect as if included in the enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101 note).

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with respect to pay for service performed in any pay period beginning on or after such date.

Subtitle D—Whistleblower Protections

SEC. 1431. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against (including by a denial, suspension, or revocation of a security clearance or by any other security access determination) if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule or regulation relating to national or homeland security, which the covered individual reasonably believes constitutes a threat to national or homeland security, or which the covered individual reasonably believes constitutes fraud, waste or mismanagement of Government funds intended to be used for national or homeland security, when the information or assistance is provided to or the investigation is conducted by—

(A) a Federal, State or local regulatory or law enforcement agency (including an office of Inspector General under the Inspector General Act of 1978);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate misconduct);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule or regulation relating to national or homeland security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to national or homeland security.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary has not issued a final decision within 180 days after the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief for any action under paragraph (1) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest;

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

(D) punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) STATE SECRETS PRIVILEGE.—If, in any action brought under subsection (b)(1)(B), the Government asserts as a defense the privilege commonly referred to as the ''state secrets privilege'' and the assertion of such privilege prevents the plaintiff from establishing a prima facie case in support of the plaintiff's claim, the court shall enter judgment for the plaintiff and shall determine the relief to be granted.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual to commit an act prohibited by subsection (a). Any person violating this paragraph shall be fined under title 18 of the United States Code, imprisoned not more than 10 years, or both.

(2) REPORTING REQUIREMENT.—The Department of Justice shall submit to Congress an annual report on the enforcement of paragraph (1). Each such report shall (A) identify each case in which formal charges under paragraph (1) were brought, (B) describe the status or disposition of each such case, and (C) in any actions under subsection (b)(1)(B) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(g) DEFINITIONS.—For purposes of this section—

(1) the term ''covered individual'' means an employee of—

(A) the Department of Homeland Security (which, for purposes of this section, includes the Transportation Security Administration);

(B) a Federal contractor or subcontractor; and

(C) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(2) the term ''lawful'' means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful;

(3) the term ''Federal contractor'' means a person who has entered into a contract with the Department of Homeland Security;

(4) the term ''employee'' means—

(A) with respect to an employer referred to in paragraph (1)(A), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in subparagraph (A) or (B) of paragraph (1), any officer, partner, employee, or agent;

(5) the term ''subcontractor''—

(A) means any person, other than the Federal contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department of Homeland Security or a subcontract entered into in connection with such a contract; and

(B) includes any person who offers to furnish or furnishes general supplies to the Federal contractor or a higher tier subcontractor; and

(6) the term ''person'' means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

(h) AUTHORIZATION OF FUNDS.—Of the amounts authorized under section 101, there is authorized to be appropriated amounts necessary for carrying out this section. Except as provided in the preceding sentence, this section shall have no force or effect.

Subtitle E—Authority of Chief Information Officer

SEC. 1441. AUTHORITY OF CHIEF INFORMATION OFFICER.

Section 703 of the Department of Homeland Security Act of 2002 (6 U.S.C. 343) is amended by inserting ''(a) IN GENERAL.—'' before the first sentence, and by adding at the end the following:

''(b) LINE AUTHORITY.—The Secretary shall delegate to the Chief Information Officer direct line authority to oversee all chief information officers of the agencies of the Department, and other key information technology personnel of the Department, with respect to their responsibilities to oversee, integrate, and protect information technology systems of the Department. The Chief Information Officer shall report directly to the Secretary.''.

Subtitle F—Authorization for Office of Inspector General

SEC. 1451. AUTHORIZATION FOR OFFICE OF INSPECTOR GENERAL.

In lieu of any amount otherwise authorized for the Office of the Inspector General of the Department of Homeland Security, there is authorized to be appropriated for such office $200,000,000 for fiscal year 2006.

Subtitle G—Regional Office

SEC. 1461. COLOCATED REGIONAL OFFICES.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and implement a plan for establishing consolidated and colocated regional offices for the Department of Homeland Security in accordance with section 706 of the Homeland Security Act of 2002 (6 U.S.C. 346), that will—

(1) enable a rapid, robust, and coordinated Federal response to threats and incidents;

(2) enhance all-hazards preparedness across the United States with respect to terrorism, natural disasters, other emergencies;

(3) provide integrated capabilities among the Department of Homeland Security, other Federal agencies, and Stated and local governments; and

(4) maximize cost savings and efficiencies through establishment of regional offices at current DHS agency regional structures with contiguous multi-State operations.

Subtitle H—DHS Terrorism Prevention Plan

SEC. 1471. SHORT TITLE.

This subtitle may be cited as the ''Department of Homeland Security Terrorism Prevention Plan Act of 2005''.

SEC. 1472. DEPARTMENT OF HOMELAND SECURITY TERRORISM PREVENTION PLAN.

(a) REQUIREMENTS.—Not later than one year after the date of enactment of the Act, and on a regular basis thereafter, the Secretary of Homeland Security shall prepare and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Department of Homeland Security Terrorism Prevention Plan. The Plan shall be a comprehensive and integrated plan that includes the goals, objectives, milestones, and key initiatives of the Department of Homeland Security to prevent acts of terrorism on the United States, including its territories and interests.

(b) CONTENTS.—The Secretary shall include in the Plan the following elements:

(1) Identification and prioritization of groups and subgroups that pose the most significant threat of committing acts of terrorism on the United States and its interests.

(2) Identification of the most significant current, evolving, and long term terrorist threats to the United States and its interests, including an evaluation of—

(A) the materials that may be used to carry out a potential attack;

(B) the methods that may be used to carry out a potential attack; and

(C) the outcome the perpetrators of acts of terrorism aim to achieve.

(3) A prioritization of the threats identified under paragraph (2), based on an assessment of probability and consequence of such attacks.

(4) A description of processes and procedures that the Secretary shall establish to institutionalize close coordination between the Department of Homeland Security and the National Counter Terrorism Center and other appropriate United States intelligence agencies.

(5) The policies and procedures the Secretary shall establish to ensure the Department gathers real time information from the National Counter Terrorism Center; disseminates this information throughout the Department, as appropriate; utilizes this information to support the Department's counter terrorism responsibilities; integrates the Departments information collection and analysis functions; and disseminates this information to its operational units, as appropriate.

(6) A description of the specific actions the Secretary shall take to identify threats of terrorism on the United States and its interests, and to coordinate activities within the Department to prevent acts of terrorism, with special emphasis on prevention of terrorist access to and use of weapons of mass destruction.

(7) A description of initiatives the Secretary shall take to share critical terrorism prevention information with, and provide terrorism prevention support to, State and local governments and the private sector.

(8) A timeline, with goals and milestones, for implementing the Homeland Security Information Network, the Homeland Security Secure Data Network, and other departmental information initiatives to prevent acts of terrorism on the United States and its interests, including integration of these initiatives in the operations of the Homeland Security Operations Center.

(9) Such other terrorism prevention-related elements as the Secretary considers appropriate.

(c) CONSULTATION.—In formulating the Plan the Secretary shall consult with—

(1) the Director of National Intelligence;

(2) the Director of the National Counter Terrorism Center;

(3) the Attorney General;

(4) the Director of the Federal Bureau of Investigation;

(5) the Secretary of Defense;

(6) the Secretary of State;

(7) the Secretary of Energy;

(8) the Secretary of the Treasury; and

(9) the heads of other Federal agencies and State, county, and local law enforcement agencies as the Secretary considers appropriate.

(d) CLASSIFICATION.—The Secretary shall prepare the Plan in both classified and nonclassified forms.

SEC. 1473. ANNUAL CROSSCUTTING ANALYSIS OF PROPOSED FUNDING FOR DEPARTMENT OF HOMELAND SECURITY PROGRAMS.

(a) REQUIREMENT TO SUBMIT ANALYSIS.—The Secretary of Homeland Security shall submit to the Congress, concurrently with the submission of the President's budget for each fiscal year, a detailed, crosscutting analysis of the budget proposed for the Department of Homeland Security, by budget function, by agency, and by initiative area, identifying the requested amounts of gross and net appropriations or obligational authority and outlays for programs and activities of the Department for each of the following mission areas:

(1) To prevent terrorist attacks within the United States.

(2) To reduce the vulnerability of the United States to terrorism.

(3) To minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States.

(4) To carry out all functions of the agencies and subdivisions within the Department that are not related directly to homeland security.

(b) FUNDING ANALYSIS OF MULTIPURPOSE FUNCTIONS.—The analysis required under subsection (a) for functions that are both related directly and not related directly to homeland security shall include a detailed allocation of funding for each specific mission area within those functions, including an allocation of funding among mission support functions, such as agency overhead, capital assets, and human capital.

(c) INCLUDED TERRORISM PREVENTION ACTIVITIES.—The analysis required under subsection (a)(1) shall include the following activities (among others) of the Department:

(1) Collection and effective use of intelligence and law enforcement operations that screen for and target individuals who plan or intend to carry out acts of terrorism.

(2) Investigative, intelligence, and law enforcement operations that identify and disrupt plans for acts of terrorism or reduce the ability of groups or individuals to commit acts of terrorism.

(3) Investigative activities and intelligence operations to detect and prevent the introduction of weapons of mass destruction into the United States.

(4) Initiatives to detect potential, or the early stages of actual, biological, chemical, radiological, or nuclear attacks.

(5) Screening passengers against terrorist watch lists.

(6) Screening cargo to identify and segregate high-risk shipments.

(7) Specific utilization of information sharing and intelligence, both horizontally (within the Federal Government) and vertically (among Federal, State, and local governments), to detect or prevent acts of terrorism.

(8) Initiatives, including law enforcement and intelligence operations, to preempt, disrupt, and deter acts of terrorism overseas intended to strike the United States.

(9) Investments in technology, research and development, training, and communications systems that are designed to improve the performance of the Department and its agencies with respect to each of the activities listed in paragraphs (1) through (8).

(d) SEPARATE DISPLAYS FOR MANDATORY AND DISCRETIONARY AMOUNTS.—Each analysis under subsection (a) shall include separate displays for proposed mandatory appropriations and proposed discretionary appropriations.

Subtitle I—Tribal Security

SEC. 1481. OFFICE OF TRIBAL SECURITY.

The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by inserting after section 801 the following new section:

"SEC. 802. OFFICE OF TRIBAL SECURITY.

''(a) SHORT TITLE.—This section may be cited as the 'Tribal Homeland Security Act'.

''(b) ESTABLISHMENT.—There is established within the Department of Homeland Security the Office of Tribal Security.

''(c) DIRECTOR.—The Office of Tribal Security shall be administered by a Director, who shall be appointed by the President and confirmed by the Senate. The Director shall report to the Secretary of Homeland Security.

''(d) DUTIES.—The Director shall be responsible for coordinating relations between the Federal Government and federally recognized Indian tribes on issues relating to homeland security, which shall include the following duties:

''(1) Providing a point of contact within Department of Homeland Security which shall be responsible for—

''(A) meeting the broad and complex Federal responsibilities owed to federally recognized Indian tribes by the Department of Homeland Security; and

''(B) soliciting and, where appropriate, addressing the homeland security concerns of federally recognized Indian tribes and other parties interested in Indian affairs.

''(2) Communicating relevant policies of the Department of Homeland Security to federally recognized Indian tribes and the public.

''(3) Promoting internal uniformity of Department of Homeland Security policies relating to Indian country (as defined in section 1151 of title 18, United States Code).

''(4) Coordinating with the Directorate of Border and Transportation Security and tribal governments to develop a comprehensive border security policy that addresses law enforcement, personnel, and funding issues in Indian country (as defined in section 1151 of title 18, United States Code) on the United States borders with Canada and with Mexico.

''(5) Coordinating with the Directorate for Information Analysis and Infrastructure Protection and tribal governments to develop appropriate policies for infrastructure protection on Indian lands, as well as information sharing mechanisms with tribal governments.

''(6) Coordinating with the Directorate of Emergency Preparedness and Response and the Office of State and Local Government Coordination and Preparedness to help ensure that tribal governments are fully informed of, have access to, and may apply for all Department of Homeland Security grant opportunities for emergency response providers, and to develop and achieve preparedness goals for tribal governments that are consistent with national goals for terrorism preparedness, as determined by the Department.

''(7) Coordinating with the Director of Science and Technology to identify opportunities to conduct research and development of homeland security technologies or scientific understanding for tribal universities or private sector entities.

''(8) Coordinating with the Office of Citizenship and Immigration Services and other relevant offices within the Department of Homeland Security with immigration service and enforcement related functions to develop policies on issues related to citizenship and the movement of members of federally recognized Indian tribes across the United States border, taking into consideration the unique characteristics of certain federally recognized Indian tribes with jurisdiction over lands adjacent to the Canadian and Mexican borders.

''(9) Coordinating with other offices within the Department of Homeland Security to develop and implement sound policies regarding Indian country (as defined in section 1151 of title 18, United States Code) and tribal governments.''; and

(2) in the table of sections, by inserting after the item relating to section 801 the following new item:

''Sec. 802. Office of Tribal Security.''.

TITLE XV—SECURING OUR PORTS AND COASTLINES FROM TERRORIST ATTACK

SEC. 1501. SECURITY OF MARITIME CARGO CONTAINERS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue regulations for the security of maritime cargo containers moving within the intermodal transportation system in accordance with the requirements of paragraph (2).

(2) REQUIREMENTS.—The regulations issued pursuant to paragraph (1) shall be in accordance with recommendations of the Maritime Transportation Security Act Subcommittee of the Advisory Committee on Commercial Operations of the Department of Homeland Security, including recommendations relating to obligation to seal, recording of seal changes, modal changes, seal placement, ocean carrier seal verification, and addressing seal anomalies.

(b) INTERNATIONAL AGREEMENTS.—The Secretary shall seek to enter into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving within the intermodal transportation system that, to the maximum extent practicable, meet the requirements of subsection (a)(2).

(c) CONTAINER TARGETING STRATEGY.—

(1) STRATEGY.—The Secretary shall develop a strategy to improve the ability of the Department of Homeland Security to use information contained in shipping bills of lading to identify and provide additional review of anomalies in such bills of lading. The strategy shall include a method of contacting shippers in a timely fashion to verify or explain any anomalies in shipping bills of lading.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection, including information on any data searching technologies that will be used to implement the strategy.

(d) CONTAINER SECURITY DEMONSTRATION PROGRAM.—

(1) PROGRAM.—The Secretary is authorized to establish and carry out a demonstration program that integrates non-intrusive inspection equipment, including radiation detection equipment and gamma ray inspection equipment, at an appropriate United States seaport, as determined by the Secretary.

(2) REQUIREMENT.—The demonstration program shall also evaluate automatic identification methods for containers and vehicles and a data sharing network capable of transmitting inspection data between ports and appropriate entities within the Department of Homeland Security.

(3) REPORT.—Upon completion of the demonstration program, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.

(e) CONSOLIDATION OF CONTAINER SECURITY PROGRAMS.—The Secretary shall consolidate all programs of the Department of Homeland Security relating to the security of maritime cargo containers, including the demonstration program established pursuant to subsection (d), to achieve enhanced coordination and efficiency.

(f) PORT SECURITY GRANT FUNDING.—Section 70107(h) of title 46, United States Code, is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsections (a) through (g) $400,000,000 for fiscal years 2006 through 2012.''.

(g) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1502. STUDY ON PORT RISKS.

The Secretary of Homeland Security shall complete a study evaluating the terrorism risk factors associated with the port of Miami and ports along the Gulf of Mexico and in the Carribean, including the United States Virgin Islands. This study should include: whether these ports are more at risk of terrorist attack considering the larger trade volume with Central American countries than other coastal ports, whether these ports are currently receiving the grants that are needed to ensure their safety, considering the studied risks and what are the vulnerabilities of these Gulf ports.

TITLE XVI—AUTHORITY OF OTHER FEDERAL AGENCIES

SEC. 1601. AUTHORITY OF OTHER FEDERAL AGENCIES UNAFFECTED.

Nothing in this Act affects the authority under statute, regulation, or Executive order of other Federal agencies than the Department of Homeland Security.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate the work of the gentleman from California (Mr. COX) to include many Democratic suggestions in this bill, and I want to say that most of the provisions in his bill are good ones.

But the truth is that this bill does not address a large number of dangerous security gaps. For example, this bill does not close serious security gaps in chemical plants, aviation, railroads, passenger trains and railroads, buses, border security, the ability of first responders to communicate in an emergency, the importance of protecting privacy, and a whole host of other areas where we must improve security. This bill does not even mention chemical plants or airports. How can we call this an authorization bill?

My substitute, Madam Chairman, addresses all of these areas, and more. First, the substitute makes funding for homeland security a priority. The President's budget and this bill does not fulfill the commitment we made in the 9/11 Act the President signed into law in December, but this substitute meets those challenges.

For example, for just a mere $92 million called for in the 9/11 Act, we could install radiation portal monitors in every port of entry in this country. My substitute offers solutions where the bill does not give the answers. For example, it protects our borders by requiring DHS to put technology in place to ensure that every mile of the border is monitored 24 hours a day, 7 days a week. It protects our ports by authorizing new port security grants. It protects airlines and prevents hijackings by installing new, in-line baggage screening systems that work better and faster. And, in an area where I strongly disagree with the chairman, we fully sponsor the development of research on how to counter shoulder-fired missiles that terrorists can use to shoot down a plane.

My substitute also strengthens security requirements for chemical plants, which the GAO recently found must have security standards.

Finally, my substitute also recognizes that DHS is a new agency and is not perfect. We provide new authority to protect privacy, sponsor diversity, and create a stronger Inspector General. In the end, if we are going to call something an authorization bill, let us use it to close genuine security gaps. My substitute will do that; this bill will not.

There can be no more wasted time. We must do what it takes now to make America secure.

Madam Chairman, I reserve the balance of my time.

Mr. COX. Madam Chairman, I rise to claim the time in opposition to the substitute amendment, and I yield myself such time as I may consume.

If my colleague from Mississippi would indulge me for a moment, I would like to yield the first portion of my time for purposes of a colloquy to the gentleman from Connecticut (Mr. SIMMONS), and I yield to him 1 minute.

Mr. SIMMONS. Madam Chairman, I thank the chairman and the gentleman from Mississippi for all the hard work that they have done to bring this authorization bill to the floor. I fully intend to support the bill as I did in committee, but I would like to take a moment at this time to discuss a concern that Members have, like myself, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. KING), and ask for the chairman's commitment that the committee will pursue these issues.

We have heard from the Department of Homeland Security employees and their representatives regarding their concerns with the final personnel regulations that the Department issued in February. Some of these provisions in the regulations are troubling. They limit collective bargaining rights, and they appear to reduce due process standards for employees of the Department. Both of these issues were specifically addressed in the Homeland Security Act that created the Department, and my concern is that the regulations promulgated following that act do not adhere to the requirements of the act to maintain collective bargaining rights.

I would ask that the committee provide its members with the opportunity to question appropriate administration officials about these regulations, as well as to provide employees and their representatives the opportunity to give us their views.

Mr. Chairman, I would also ask that if we find these regulations do not follow the mandate of the original law or do not promote fairness and efficiency, that the committee will review these regulations and consider making appropriate changes to the regulations.

Mr. COX. Mr. Chairman, reclaiming my time, the gentleman from Connecticut raises an important issue. I thank the gentleman for his leadership, not only on this issue, but across the board as an outstanding member and chairman of the Committee on homeland security.

The Acting CHAIRMAN (Mr. LAHOOD). The time of the gentleman from Connecticut (Mr. SIMMONS) has expired.

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

Section 841 of the Homeland Security Act of 2002 authorized the Department of Homeland Security to establish a 21st century human resources management system. That new system, referred to as MAX HR, is designed to allow the Department to respond quickly to homeland security threats, while supporting the Department's employees with modern human resources principles.

I will ensure that the committee conducts a review of the new personnel regulations with special attention, I say to the gentleman, to the concerns that he raised, and I commit to working with him on any appropriate changes to those regulations, in close coordination with the gentleman from Virginia (Chairman DAVIS) of the Committee on Government Reform, which developed the underlying legislation in this area.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I want to commend the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Chairman COX) for their work and leadership on this bill, but I would also especially like to compliment the

ranking member for his work on this substitute. There is much in the bill that is good; the substitute is even better, for the reasons outlined by the gentleman from Mississippi (Mr. THOMPSON).

However, there is one provision that is the same in both the bill and the substitute and equally good in both cases, and that is the provisions regarding cyber security.

As Members know, in the 108th Congress there was a Subcommittee on Cyber Security within the Select Committee on Homeland Security. The gentleman from Texas (Mr. THORNBERRY) was the chairman and I was the ranking member, and we worked very hard together to craft the provision that is incorporated in the bill and in the substitute. We held over 17 hearings and further briefings, and we heard from the private sector.

I think that is why the following people support our provision: The Business Software Alliance, the Computer and Communications Industry Association, the Cyber Security Industrial Alliance, the Financial Services Roundtable, the Higher Education and Information Technology Alliance, the Information Technology Association of America, the Information Technology Industry Council, the National Association of State Chief Information Officers, the Software and Information Industry Association, Tech Net, and the Association of American Universities, the Association of Research Libraries, the National Association of College and University Business Officers, and the list goes on and on.

□ 1700

The bill does something, and the substitute does something that is very important, and that is, to elevate the attention paid to cybersecurity within the Department.

You know, several years ago when the strategy for cybersecurity was adopted, we had a cyberperson in the White House who drafted that plan and had the attention of the White House.

Since that time, this position has devolved to one that really does not have direct access to decision-makers. In fact, the last person to hold the job, Amit Yoran, from Silicon Valley, quit 1 year to the day after he took the job; and we do not have a permanent replacement for him to this day.

We have got contractors. In fact, the current contractor is not even on the payroll. It is a Carnegie Mellon employee. We need to have attention at the highest level for cybersecurity. Let me be clear. The job of securing cyberspace at DHS is just not getting done.

Recently, Berkley professor Shankar Sastry warned of the possibility of what he called a digital Pearl Harbor. He urged that the Nation act before it is too late. We in Congress must not stand by while our cyberinfrastructure remains vulnerable and so little is accomplished in the Department of Homeland Security.

Securing cyberspace must be a national priority. The substitute and the bill do it. And I thank the gentleman from Mississippi (Mr. THOMPSON) for including it.

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. MIKE ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I rise in opposition to the amendment. As chairman of the Management Integration Oversight Subcommittee, I have concerns about some of the management changes proposed today.

In my analysis, this amendment would create several conflicting changes. It would modify the roles and responsibilities of several key officials within the Department. It would also limit the Secretary's flexibility in making organizational decisions.

And, finally, it seems the amendment contains several duplicating and premature measures. For example, this amendment would require the chief information officer to report directly to the Secretary. In the process, it would also give the CIO direct line authority over other chief information officers in agencies throughout the Department.

Now, I agree with my colleague, the gentleman from Mississippi (Mr. THOMPSON), that it is important we address the reporting and line authority issues. In fact, just last month we held a hearing with these officials to explore ways to improve information sharing within the DHS.

However, we also found other improvements to consider. The chief financial officer, the chief procurement officer, and the chief human capital officer, for example, may also need additional authorities.

So in regards to this amendment, while I agree we need to reassess the internal management issues, I believe they should not be addressed in this type of piecemeal fashion.

Secretary Chertoff has begun a 90-day review of the Department's programs, policies and operations. Until we hear the results of the Secretary's review at the end of this month, I believe we should hold off on making these types of changes.

Mr. Chairman, I would also like to point out that the amendment adds $7 billion in unauthorized spending above the bill's proposed funding level. In contrast, the bipartisan Homeland Security Committee bill, as written, provides the Secretary the needed flexibility during this top-to-bottom review while ensuring our limited resources are spent wisely.

Therefore, I urge my colleagues to oppose the pending amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, James Carafano, who is a homeland security researcher, said recently that technology is not a substitute for strategy.

And we know, as has been earlier reported this month by Eric Lipton, and he wrote the following, ''After spending more than $4.5 billion on screening devices to monitor the Nation's ports and borders and airports and mail and air, the Federal Government is moving to replace or alter much of the antiterrorism equipment, concluding that it is ineffective, unreliable, or too expensive to operate.''

He went on to say: ''Each of those areas where we have missed the mark.'' That is why I think this substitute should be given great consideration by all of us, not only those that serve on the Homeland Security Committee.

We have a unity of effort here. Do not translate, do not interpret this substitute as breaking that commitment that we have made to that unity of purpose. And I want to commend my good friend, the gentleman from Mississippi (Mr. THOMPSON), who stood shoulder to shoulder with the gentleman from California (Chairman COX) through all of these hearings that we have been having.

But, the ranking member, the gentleman from Mississippi (Mr. THOMPSON), your steady leadership on our committee is going to go a long way beyond our vote today. I applaud you for offering a substitute.

The Department of Homeland Security was formed because of the catastrophic terrorist attack on September 11. Our joint mission now is to help prevent and respond to any potential future assault.

Nothing that we do here in Washington is more important. Nothing. The critical duty with which we are charged warrants legislative proposals that are as comprehensive and judicious as possible. The substitute succeeds in this regard. It makes America safer.

For example, the substitute requires a comprehensive border protection plan. We all agree on that. It puts technology in place to monitor the entire border all the time, not some of the time.

Secures the chemical plants. We have even had an amendment to that effect. Makes vital port and transit security improvements and creates necessary structural changes at the Department of Homeland Security. We all agree on that.

We know that the State and local governments need as much help as possible to meet their urgent security needs. We note that first responders require an array of assistance to help them achieve even a baseline level of readiness. The substitute addresses this. For example, we authorize $500 million in grants for interoperability communications equipment to our men and women on the frontlines.

As the 9/11 report states, again, we go back to what we consider to be the dictionary for us to look at: ''Compatible and adequate communications among public safety organizations at the local, State and Federal levels remains an important problem.''

Our legislation should reflect what is in the 9/11 report and nothing less and nothing more. Yet the Congress has done nothing to address this. Indeed, many provisions signed into law by last year's 9/11 Act, a bipartisan measure as you recall, have gone unfunded and forgotten by this administration. We voted on it. Where is the power of both bodies involved in our unity of purpose?

What is the use if we vote, both sides of the aisle, and the administration does not follow through? This substitute attempts to remedy this situation. We authorize additional border agents. We mandate risk assessment for chemical and nuclear plants, and we assure that port and rail are adequately secured. We all agree on these things.

We know that there can be no more wasted time. We must do what it takes now to make our country safe, stronger, and more secure. This substitute does that, Mr. Chairman. I implore my colleagues on both sides of the aisle to vote ''aye.''

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank our ranking member, the gentleman from Mississippi (Mr. THOMPSON), for being such a great leader on this new committee, for being bipartisan, and for being an advocate for a safe and secure America.

Unfortunately, I rise in option to this amendment, the Thompson substitute, not so much because of what it does, but because of what it fails to do.

My reading of the amendment suggests that it does not incorporate many of the provisions of the Homeland Security Authorization Act that passed unamended and by voice vote in the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, of which I am the chairman.

For example, personnel flexibility, such as bonuses for the Information Analysis and Infrastructure Protection Directorate, so we can attract the best and brightest young people into this Department to engage in good productive intelligence activities, you cannot have good intelligence activities without good people. And those personnel flexibilities are lacking. I do not see any provision requiring that the office of information analysis receive all terrorist threat information from components within DHS, which goes to the heart of information sharing.

One of the great tragedies of 9/11 is that so many components of our government did not share information; and perhaps if they had, we could have avoided that tragedy.

I do not see any recommendations with regard to the color-coded homeland security advisory system, which so many of us feel is confusing to the American people, and which we recommended be more risk-based, regional, and focused so that people have a legitimate picture of what the risks may be on any particular day when there is an alert.

All of the work on open-source intelligence, which I believe is so critical to strengthening our intelligence capabilities nationally, I do not see them in there. And so it does not appear to me to address some very fundamental issues relative to the intelligence piece of the Department of Homeland Security which we are trying to build.

On this basis, Mr. Chairman, I would like to reluctantly urge my colleagues to vote against the substitute.

(Mr. DICKS asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. DICKS. Mr. Chairman, I rise today in support of this legislation and the Democratic Substitute being offered by the gentleman from Mississippi. I would like to commend the Chairman and Ranking Member of the Committee on Homeland Security for bringing this bill to the floor—the first authorizing bill for the Department of Homeland Security since the Department was created.

This bill does many good things. It authorizes additional funding to cover the full cost of hiring an additional two thousand border patrol agents in order to meet the first year target established in the Intelligence Reform bill last year. Regrettably, the appropriations bill that passed the House yesterday fell short of actually finding these critically needed personnel by 500. But that does not diminish this accomplishment in the bill. This bill contains several important provisions that will help to fix the Directorate for Intelligence Analysis and Infrastructure Protection, which, in my judgment, has struggled the most to find its direction in the new department. And the bill raises the level of our government's top cybersecurity official to an Assistant Secretary within IAIP, something that should have been done when the Department was created.

This bill makes progress in some key areas, and I intend to support it, but I regret that it falls short in a number of critical areas, leaving us terribly vulnerable on many fronts.

Cargo security, both in the air and on the sea, have not been adequately addressed in this legislation. Our Nation's plan to secure cargo containers, I believe, makes sense; but it relies entirely on knowing—and trusting—the people that are packing the containers overseas. Customs and Border Protection is way behind in certifying participants in the C–T PAT program, and this bill does not authorize adequate funding to accelerate the process of validating the applications of those who are already gaining the benefits. My friend from California, Ms. SANCHEZ, sought to propose an amendment to address this problem, but the rule did not allow for its consideration, a serious oversight.

And there is absolutely no excuse for permitting unscreened cargo onto passenger aircraft. This is a problem we have known about since Pan Am Flight 103 was destroyed by a terrorist's bomb over Lockerbie, Scotland killing over 270 people. My good friend from Massachusetts, Mr. MARKEY, wanted to offer an amendment to the bill that would require this cargo to be screened, and it is long overdue. A similar amendment had been approved previously by the House, but the leadership has refused to allow its consideration today.

This bill also fails to take sufficient steps to meet other critical needs that we have been talking about here in the House since 9/11. The installation of in-line explosive detection systems at all of our Nation's passenger airports is one of the top technological solutions to improving the performance of our TSA screener force. Given what terrorist were able to perpetrate in Madrid, providing funding for real rail and transit security must become a higher priority. And we must work harder to improve security at our Nation's chemical plants—especially those that are located in heavily populated areas. Some of my Democratic colleagues offered amendments to accomplish these goals, but each has been blocked from consideration by the Majority.

But we now have an opportunity to vote on these items en bloc. The Democratic substitute, proposed by Mr. THOMPSON, addresses all of these issues, and is a much more complete blueprint for combating terrorism than the underlying document. The House must move aggressively to fill the gaps that we see everyday in the operations of the Department of Homeland Security. We do our constituents a grave disservice if we do not.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of Ranking Member THOMPSON's substitute amendment.

While H.R. 1817 takes important steps in improving our security and preparedness, it simply does not go far enough.

Now, the Thompson substitute contains the critical provisions that I believe must be in any comprehensive, effective DHS authorization. Now, all told this amendment would provide about $41 billion for our homeland security needs, nearly $7 billion more than requested by the President.

This substitute would provide additional grant funds for continuing needs, in port, rail, transit and bus security, communications interoperability and firefighter hiring and preparedness. It also enhances air security by requiring that 100 percent of air cargo be screened within 3 years, tightening restrictions on access to sensitive airport areas, and providing flight crews the training and communications tools to effectively respond in an emergency.

Furthermore, the Thompson amendment ensures that we fulfill commitments made in the intelligence reform bill to implement the 9/11 Commission's recommendations.

It authorizes funding for nearly 2,000 new border patrol agents and provides resources to install explosive detection systems to baggage screening at airports, which is a critical unmet need at T.F. Green Airport in Rhode Island.

Now, as ranking member of the Subcommittee on Prevention of Nuclear and Biological Threats, I am particularly pleased to note that the Democratic substitute would provide for the

installation of radiation portal monitors at all ports of entry. This is a key step in our efforts to keep dangerous materials out of our borders.

Finally, this substitute makes significant progress in addressing critical infrastructure protection. It provides funding for an assessment of risks to nuclear and chemical plants and requires that chemical plants capable of threatening a large number of people in the worst-case situation take steps to increase security, implement safer technologies when feasible.

Just as importantly, the amendment sets deadlines for completion of a list of high-priority critical infrastructure assets. Now, this list should be the very basis for our Nation's security plans and funding decisions, and there is no excuse for the continuing delays in its completion.

□ 1715

Mr. Chairman, while we are indeed safer today than we were on September 11, the truth is that there still remains a significant security gap that must be filled.

The Thompson substitute takes a comprehensive approach to addressing these vulnerabilities, and I urge my colleagues to support it.

Mr. COX. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the chairman for yielding me time, and I rise in opposition to the Thompson substitute.

As the chairman of the Subcommittee on the Prevention of Nuclear and Biological Attack, I want to point out that the minority's substitute proposal is not, contrary to its billing, complete, especially in the area of nuclear terrorism.

Mr. Chairman, while some consider the probability of nuclear attack to be low, I fear that this lax position could have devastating consequences on the United States. If a terrorist organization were to smuggle and detonate a 10-kiloton nuclear device, which is not unreasonable for a basic terrorist bomb, in downtown Manhattan, it would immediately kill more than half a million people. The consequences, however, would not stop with the tragic loss of life.

The New York Stock Exchange could lose trillions in business transactions alone and the world's financial markets would be immediately crippled. Cleaning up the radioactive mess could cost billions, if not trillions, of dollars and take years to complete. We could, in essence, witness a total economic meltdown in the United States.

The Thompson substitute does little to prevent such a catastrophe. H.R. 1817 does.

Section 105 of H.R. 1817, for example, authorizes funding for a Nuclear Detection Office within the Department to coordinate and advance weapons of mass destruction detection efforts domestically as well as abroad. The Thompson substitute does not.

In addition, section 213 of H.R. 1817 revises the 2002 Homeland Security Act to ensure that the appropriate analytical expertise is employed by the Directorate of Information Analysis and Infrastructure Protection in the Department to discern specific threats involving use of nuclear weapons or biological agents to inflict mass casualties. The Thompson substitute does not.

Furthermore, section 214 of H.R. 1817 establishes an entity within the Department that will be responsible for alternative analysis of threats to ensure that the government's efforts at our borders and at foreign ports to prevent the importation and subsequent use of nuclear weapons or biological agents are actually effective. The Thompson substitute does not.

Mr. Speaker, I cannot imagine a scenario whereby this government has to answer the question of how we failed to prevent an attack by terrorists using a weapon of mass destruction on the American people. Such an attack is much too important and too critical for our national security to simply include it as a footnote in a 220-page substitute. I can assure my colleagues that my subcommittee will, in the coming months, vigorously work to produce legislation that focuses on the Department's attention on preventing such catastrophic terrorist events.

H.R. 1817 is not the final word on this issue, but it is an important first step, and as such, I encourage my colleagues to join me in opposing the Thompson substitute and supporting H.R. 1817.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Mississippi (Mr. THOMPSON) for yielding me time.

Mr. Chairman, despite the expenditure of billions of dollars on homeland security since September 11, the reality is that America's ports, chemical facilities, transportation systems and critical infrastructure are still to this day vulnerable to attack.

Are we better off? Yes. Are we where we need to be? No.

As Stephen Flynn, the former U.S. Coast Guard Commander and a foremost expert on homeland security, stated a few months ago on Meet the Press, ''The measures we have been cobbling together are hardly fit to deter amateur thieves, vandals and hackers, never mind determined terrorists.''

This Congress can and must, Mr. Chairman, do more to protect our citizens from attack at home, even as we take the fight to our enemies abroad.

That is what the Thompson substitute does.

It provides $6.9 billion more than the Republican bill, including funding to fulfill our homeland security commitments in the Intelligence Reform Act.

It includes $1 billion for grants for port, rail, transit and bus security, critical priorities; $380 million to hire 2,000 new border agents; and $500 million to ensure that first responders can communicate with one another.

It requires a plan to ensure that all air cargo on passenger planes is screened, giving sufficient time to develop the requisite technologies, and it sets deadlines for establishing security plans for critical infrastructures.

Republicans will and are objecting to the funding level in our substitute, but let us put it in perspective, Mr. Chairman.

This additional funding is nearly $2 billion less than the funding the Bush administration has failed to account for, some $8.8 billion, in Iraq. Mr. Chairman, if the Bush administration can lose track of nearly $9 billion in Iraq, I submit that we ought to be able to find $6.9 billion to make this Nation, its people, its communities and its families safer and more secure.

I urge my colleagues to support the Thompson substitute.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), but before I yield, Mr. Chairman, can the Chair tell me how much time remains on our side?

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from California (Mr. COX) has 11 minutes remaining.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me time.

Once again, I want to thank both the gentleman from Mississippi (Mr. THOMPSON), the ranking member, and the chairman of our committee for the fine work they did in producing the bipartisan base bill, but I rise in opposition to the ranking member's substitute amendment.

This 221-page substitute amendment offered in the nature of a substitute to the 40-some page base bill that we have is obviously more extensive than what was presented on the floor, and the explanation has been presented on both sides as to why this is the case. However, I would like to refer specifically to the comments of the gentleman from Maryland about the additional cost involved in the substitute, nearly $7 billion.

The American people have told us they do want us to do what is necessary for homeland security, but they have also said they want us to spend our money wisely. Press reports, as well as our own examination, has shown that there is in the pipeline in homeland security approximately $7 billion that is unspent. The answer is not to come in here and, therefore, increase the base bill by $7 billion, which is $7 billion over the President's budget, $7 billion over the House-passed badge budget, which, therefore, somehow tries to make a statement that more money spent is obviously going to make us safer.

We need to make sure that the Department of Homeland Security is setting the priorities that are necessary,

is spending the money in the appropriate ways and answers the question why money is stuck in the pipeline.

I would suggest the way to do that is not to give them an additional $7 billion somehow as some sort of attraction for them to tell us how they have not spent that $7 billion, that extra $7 billion that is out there.

Let me just say that the provisions in this substitute constitute sweeping changes, sweeping comprehensive changes in the responsibility, mission and funding for the Department over and above what our bipartisan committee presented in the base bill. Such changes cannot be made, I would suggest, in this type of setting without full debate, certainly more than 40 minutes, and consideration of a possible alternatives and consequences.

There are important questions here. How do we provide security in the area of the chemical industry? The chemical security portion of this amendment requires broad and sweeping regulation of the chemical industry by the Department of Homeland Security. Maybe that is appropriate, maybe it is not. I do not think we have the basis to make a judgment on this. I would also suggest it is counterproductive to improving our chemical infrastructure security. It places unnecessary burdens on potentially thousands of sites that may or may not be the sites at risk that we should be focusing on. Again, it is a question of priority.

It ignores the concept of examining high risk to effectively target our security resources. One of the things I thought we had done as a bipartisan committee was come to the conclusion that we really have to be very careful and demand that we set proper priorities, that we cannot go out and try and protect everything; we have to protect those things that are most vulnerable, those things that have the greatest threat, those things that have the worst consequences. I would suggest that this substitute does not do that.

I thank the gentleman for the time that he extended to me.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, right now in the Republican bill there is no protection added for the single greatest problem that we know still exists, which is the protection of chemical facilities in the United States of America. Whether it be on land or in rail cars, both of these chemical-type storage areas are still wide open.

Secondly, whistleblowers, if they turn in a shareholder scandal at Enron, get more protection than a nuclear power plant guard or a TSA guard who, as a latter day homeland security Paul Revere comes forward to warn the public that there is danger, the Republicans do not protect these whistleblowers. The Democratic bill does.

Finally, the cargo which goes onto planes in America, passenger planes, is not screened. Something this size, not screened. Something this size, which is cargo, which goes on to passenger planes next to our bags, is not screened. The Republican bill says this to those people: Warning, cargo on this plane has not been screened for explosives for your children.

Vote for the substitute if my colleagues want to protect the children and families of this country.

Mr. COX. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, as a member of the Subcommittee on Emergency Preparedness, Science, and Technology, I rise in opposition to the EPS&T provisions in the Thompson substitute.

The base bill presents well-thought-out solutions to real terrorist threats by prioritizing and maximizing how U.S. tax dollars are spent. The Thompson substitute does not prioritize spending. It does not recognize that not all threats are created equal. It does not exercise any fiscal restraint whatsoever. It just throws a lot of money at problems. Such an approach does not enhance our Nation's security or provide adequate support for our dedicated first responders.

The emergency preparedness, science, and technology, EPS&T, provisions in the Thompson substitute address important issues, but are ill-conceived and fraught with unintended consequences.

For example, subtitle A of title VII would establish a new, separate grant interoperability program. It is ill-advised. A new program will encourage inconsistencies in communication systems purchased with Federal grants and, unfortunately, dilute funding for other critical grant programs.

This program is also not needed. Indeed, in fiscal year 2004, grant recipients obligated over $925 million for interoperability projects through existing programs, the single largest use of grant funding with more than $6 billion in the pipeline, it is unspent and unobligated, to State and local government available for first responders.

Subtitle D of title VII would establish a parallel EMS bureaucracy within the Department's Emergency Preparedness and Response, EP&R, Directorate. Such a new bureaucracy will not enhance terrorism preparedness. EMS entities already exist within the Department of Transportation and the U.S. Fire Administration of the EP&R Directorate. This provision is also premature and will undercut the Department's efforts to implement organizational reform.

Subtitle G of title VII would authorize the Metropolitan Medical Response System. Yet, MMRS, which provides funding to U.S. cities to develop plans and capabilities for coping with the medical consequences of a terrorist attack involving weapons of mass destruction is nearly complete. Since its inception in 1997, the program has assisted 124 cities in establishing such plans and capabilities.

There is simply no need to maintain MMRS as a separate grant program. Indeed, the funds provided under other existing grant programs, such as the State Homeland Security Grant Program and the Urban Area Security Initiative, may be used for such purposes.

For these and other reasons, I urge my colleagues to vote against the Thompson substitute.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

□ 1730

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Thompson substitute, and I commend him for his leadership and hard work in crafting this amendment, which fills many of the security gaps we were not able to do in the underlying bill.

I also congratulate our chairman, the gentleman from California (Mr. COX), for fulfilling his promise to establish an annual legislative review of the Department and for his leadership.

Mr. Chairman, included in the Thompson substitute is an amendment I sponsored during the markup to provide for a border patrol unit in the Virgin Islands, a number one priority of all law enforcement in my district, the single most important missing ingredient in the defense of the territory, and one more weak link in the protection of our Nation.

With over 175 miles of unprotected and open borders, the Virgin Islands is increasingly becoming a gateway of choice to the U.S. for human smugglers. Because of the lack of such a unit, the Immigration and Customs Enforcement, our local police, Fish and Wildlife, and the National Park Service have to utilize their stretched resources and personnel to respond and to assist.

I want to thank Chairman COX for including language in the report to have the Department station some of the additional border patrol units in the Virgin Islands and for also including tribal coordination in the Office of State and Local Coordination in recognition of the sovereign nature of the tribal nations.

Mr. Chairman, H.R. 1817 is a good bill; but, nonetheless, the substitute makes significant improvements in many areas, and I urge my colleagues to support the Thompson substitute.

Mr. Chairman, I rise in strong support of the Thompson Substitute and I urge my colleagues to support its adoption. I commend the gentleman from Mississippi for his hard work in crafting an amendment which seeks to fill many of the security gaps that were not able to be addressed in the underlying bill.

I want to begin though, Mr. Chairman, by congratulating the Chairman of the Home-

land Security, my friend CHRIS COX for fulfilling his promise to establish an annual legislative review of the Department of Homeland Security. It has been an honor and a distinct pleasure to serve with Chairman COX, first as a member of the Select Committee on Homeland Security in the last Congress and again in this Congress on the permanent Committee.

Over the past nearly two and a half years, our committee has traveled across the country meeting with the men and women on the front lines of defending our homeland. The bill before us today as well as the Faster and Smarter Funding for First Responders Act which we debated and passed last week are largely the product of those efforts.

Included in the Thompson substitute, Mr. Chairman, is an amendment I sponsored during the markup of H.R. 1817 in committee, to provide for a border patrol unit in the Virgin Islands—the number one priority of all of the law enforcement first responders in my district and the single most important missing ingredient in the defense of the Territory and yet another weak link in the protection of our Nation.

With over 175 miles of unprotected and open borders, the Virgin Islands is today the gateway to the U.S. and our Nation's southern most border. It is also increasingly becoming the gateway of choice to the U.S. for human smugglers.

Since 1998 hundreds of Chinese nationals have entered the U.S. Virgin Islands, but there are many more from other countries of the Caribbean and South America and the Middle East as well.

Those dropping the aliens ashore have identified the Virgin Islands as an area from which illegals can try to travel undetected to the U.S. mainland. In fact, the Coast Guard, this past February 29th, detained 72 illegal immigrants on St. Thomas.

Because of the lack of a Border Patrol Unit in the territory other federal agencies such as Immigration and Customs Enforcement (ICE) have to spend a significant amount of manhours apprehending, processing, detaining and watching aliens in custody.

ICE has to use between 6 and 8 agents in every landing of 12 to 15 aliens. At a rate of on average 3 to 4 landing per month more than 80 hours are spent processing these aliens. Time which could be used to investigate conspiracies, smuggling organizations and dismantling rings.

In addition, our local Police Department, Fish and Wildlife, and the National Park Service also have to utilize their stretched resources and personnel to respond and assist.

Mr. Chairman, having a Border Patrol Unit assigned to the Virgin Islands would also enable us to deal with the other serious problem we face which is drug smuggling. ICE has identified several trafficking organizations that use the USVI to conduct drug smuggling operations, with marihuana, cocaine and heroin being shipped to the territory on a weekly basis. And we know, Mr. Chairman, of the connection and relationship between drugs and terrorism.

Mr. Chairman, I want to thank Chairman COX for agreeing to include language in the report of H.R. 1817, to encourage DHS to station some of the additional 2000 Boarder Patrol agents called for in the bill in the Virgin Islands. I also want to thank him for amending the title of the Office of State and Local Coordination to the Office of State, Local and Tribal Coordination in response to another amendment I offered in committee in recognition of the sovereign nature of our Tribal Nations.

Mr. Chairman, H.R. 1817 is a good bill. I am proud to have been a part of its development as a member of the Homeland Security Committee. I would nonetheless urge my colleagues to support the substitute offered by Ranking Member BENNIE THOMPSON because it makes significant improvements in key areas including fulfilling our commitments in the Intelligence Reform and Terrorism prevention, as well as new security measures for rail and public transit biometrics and other screening measures.

I urge my colleagues to support the Thompson substitute.

Mr. COX. Mr. Chairman, may I inquire as to how much time remains on the other side.

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from California (Mr. COX) has 5 minutes remaining, and the gentleman from Mississippi (Mr. THOMPSON) has 2½ minutes remaining.

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

Mr. Chairman, I want to thank the ranking member and the other members of the committee right in the teeth of this debate about the differences between the base bill and the Democratic substitute simply to remind us what we agree about. We agree about the base bill. And what we are talking about doing in the Democratic substitute is, in some part, restating the base bill and, in some part, adding money to it to go further.

One of the principles that I hope we can establish in this annual authorization process is that when we bring a bipartisan DHS authorization bill to the floor, that that bill is within the House-passed budget; it bears a close connection to the appropriations process, and this year we have a unique circumstance where we are on the floor literally 1 day after the homeland security appropriation bill has passed, so we know exactly what kind of money we are dealing with so that when we impose national security priorities on the executive branch and we provide policy guidance to the Department of Homeland Security, we are doing so in the real world, not in a fantasy world with pretend numbers and budget resources that simply do not exist.

The only real objection that I have to the Democratic substitute, because I agree with a great deal of the policy, is that it takes $7 billion from thin air and adds it on top of, not in substitute for, the provisions of the base bill. As a result, it is not about setting priorities; it is merely a wish list without any sense of priority.

I would say that it abdicates the responsibility of the authorizing committee and places all the burden on the appropriators were it not for the fact that we just voted on the appropriation bill yesterday. So every single Member knows that this is not a real $7 billion we are playing with here.

Rather than being called the Complete Homeland Security Act, it might be called the Death By Report Act because it does not help the Department of Homeland Security to run down terrorists; it instead sends them off on a mission to fill out reports. This substitute, in one of its key differences from the base text, is very heavy on reports and on plans and on studies and on assessments. It includes no fewer than 61 new initial reports, annual reports, follow-up reports, plans, strategies, studies, and reviews. That is not congressional direction; it is congressional misdirection.

There has got to be a focus on preventing terrorism, on doing the job, this most important, fundamental national security mission that we have assigned to the Department to do, rather than filling out paperwork. The substitute itself is 221 pages long, and in some respects it is not ready for action by the full House because its provisions have not yet been vetted even in hearings in subcommittee or full committee before the Department.

I daresay that some of those things, such as port security, chemical plant security, and so on, are policies with which I would agree. They are things that we intend to do as a committee this year. I have stated over and over, as recently as yesterday before the Committee on Rules, that because this is the first authorization bill for a Department which itself has existed for only 2 years, and which was thoroughly authorized in a charter written from top to bottom by this Congress just a few years ago, this bill is smaller this year than it will ever be in future years.

Moreover, because the Secretary is in the midst of his 90-day review of the Department's operation top to bottom as he takes the helm of what for him is a brand-new responsibility, we are trying to give him a few days more, he is due to report to us in June, to give us his roadmap. And that means we will be back on this floor with more authorizing legislation on the very subjects covered by the substitute amendment.

For all those reasons, I respectfully, but strongly, oppose this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

The Thompson substitute is necessary. It fills great holes in our major bill. There is not one dollar in this bill for the transportation that America

uses to go to work: rail, light rail, buses, subways, ferries. Yet even after Madrid, we are not dealing with the al Qaeda favorite. One-third of all the attacks has been on public transportation.

Cargo within four blocks of the Capitol. Explosives. One car, 14 miles. If one attack occurred, 100,000 people dead in a half-hour. How can we reauthorize or authorize the first homeland security bill without having any section in that bill on rail security? I do not think we can.

The American people deserve better. The Thompson substitute is clearly superior.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support certainly of H.R. 1817, but it is not enough. It is not good enough.

This administration claims to make fighting terrorism its top priority, and that is why we set up the Department of Homeland Security. You are not supposed to tell us from homeland security what it is we cannot do, but what we can do.

I agree that maybe Secretary Ridge did not have enough information, did not have enough at his disposal, so he told us about the alerts; the yellow lights, the orange and the red and all of that; told us to go out and buy flashlights, duct tape, water, and plastic sheeting. But it is time to get serious.

Homeland security should not be a sound bite or a reelection strategy. We have got to do something about the border. This President promised us 2,000 border agents. We have citizens who have taken it upon themselves to protect our border, and here we are talking about we do not have enough money to fund 2,000 agents when we are giving a bonus to Halliburton. Give me a break.

We need money for first responders. We need money for our ports and our containers. This substitute will help to fill that gap. It is time we put our money where our mouths are.

The Acting CHAIRMAN. The gentleman from Mississippi (Mr. THOMPSON) has 30 seconds remaining.

Mr. COX. Mr. Chairman, I would be pleased to yield 30 seconds to the gentleman from Mississippi.

The Acting CHAIRMAN. The gentleman from Mississippi has 1 minute.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, immediate action should have been taken on chemical plant security after the wake-up call we got from the 9/11 attacks. I have introduced the Chemical Security Act in the past two Congresses, but the House has never considered my legislation.

Across the country, the EPA has identified 123 facilities where a toxic gas release due to a terrorist attack could injure or kill more than 1 million people. The Thompson substitute would give the problem of chemical security plants and their security the attention it needs, and I would urge the House to adopt the Thompson substitute for that provision and all the other reasons that have been given here today.

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

Mr. THOMPSON of Mississippi. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I would simply say to the gentleman from New Jersey that the point he raises about chemical security is an extremely important one, and I wanted to make sure that all the Members knew that on June 14 the Committee on Homeland Security will be having a hearing on that very topic. We intend, in the balance of this year, to go very deeply into our responsibilities for chemical plant security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a substitute that is complete. If you look at it, it addresses all the vulnerabilities of our country; and I ask the body to support it.

Mr. COX. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I spoke just a moment ago about some of the provisions in this bill that, in my view, do not belong there, most notably the $7 billion that has no offset and, therefore, breaks the House-passed budget and is completely out of sync with the homeland security appropriation bill for which we had a large, nearly unanimous bipartisan vote yesterday.

But I would like to talk in the remaining seconds available about what this bill, the Thompson substitute, does not do. It does not incorporate, inexplicably, many of the bipartisan provisions that we have already agreed upon in the base bill. I have to believe that that was a drafting oversight; but were we to substitute for the base bill, we would lose the provisions that give, for example, flexibilities to the Information Analysis Office in the Department of Homeland Security to hire more intelligence agencies, something that has been a big priority of our committee for 3 years now. We would lose the reforms of the color-coded Homeland Security Advisory System, which both Republicans and Democrats have agreed upon.

As a result, we would be far better off to stick with the bipartisan provisions that are in the bill, rather than in the partisan provisions that appear in the Thompson substitute. I urge Members to reject the substitute.

Mr. ORTIZ. Mr. Chairman, as so many of you know, I represent a border district and am a former law enforcement officer. For the last year, I have been talking to a number of you about my concerns about border security, based on things I am hearing from border law enforcement officers.

I rise in support of the gentleman from Mississippi's substitute, which contains the amendment the Rules Committee yesterday disallowed from consideration by the House. Mr. THOMPSON's substitute draws from some ideas included in a border security bill I introduced earlier this year.

So many of my constituents—and our colleagues here in Congress—are profoundly frustrated with the budget-driven nature of our border security. This amendment requires the Department of Homeland Security to develop and implement a Comprehensive Border Strategy to secure U.S. borders—one that focuses on the needs of our national and border security rather than on the cost.

This amendment seeks a comprehensive approach that considers: staffing, infrastructure, technology, coordination of intelligence among agencies, legal responsibilities, jurisdictional issues, apprehension statistics, budgetary consequences, and the impact on the flow of commerce and legitimate travelers. It also requires implementation of the "American Shield Initiative" to address vulnerabilities between the ports-of-entry, which remains largely unaddressed since 9–11.

I urge all of us to focus our attention on a comprehensive border security policy by both authorizing and appropriating the funds necessary to secure our borders. The men and women who protect our border do an extraordinary job.

We owe them full funding of the security initiatives we determine are necessary for the protection of the people and places that we hold dear in the United States. It is simply not enough to talk about border security, it is an urgent matter for us to put our money where our mouth is when it comes to protecting our borders and our Nation.

I urge my colleagues to support this amendment—and I thank Mr. THOMPSON, Mr. STUPAK and Mr. REYES for their leadership on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the amendment in Nature of a Substitute as offered by the distinguished Ranking Member of the Homeland Security Committee, the gentleman from Mississippi. It provides for $6.9 billion more in funding than the base bill (or the President's budget), including the funding needed to fulfill the homeland security commitments in the Intelligence Reform and Terrorism Prevention Act of 2004 and to meet other priorities.

Of the priorities that it proposes to meet is $380 million to hire 2,000 new border agents. As the Ranking Democrat of the Judiciary Subcommittee on Immigration, Border Security, and Claims, I understand the gravity of this allocation and how irresponsible it would be to omit it from the base bill. First Responder communications is funded under the Amendment in the amount of $500 million. As a major proponent of the Citizen Corps Council model that was created by President Bush himself but not funded, I appreciate the value of this level of funding for better communications systems for our front line personnel.

In addition, the Thompson substitute would provide $1 billion in grants for port, rail, transit, and bus security. These aspects of our transportation system have been given inadequate attention by the underlying bill. Again, with respect to aiding our first responders, the Thompson substitute would allocate $150 million to restore funding for FIRE Act grants.

Amidst the contentious debate about aviation security and the question as to the adequacy of our screening processes, Ranking Member THOMPSON seeks to attack the root of the issue by providing $418 million for aviation security research.

In terms of overall policy provisions, the Amendment calls for a comprehensive border strategy and technology that would monitor the entire border 24/7; new authority to ensure chemical plants are secured; a 3-year plan to ensure all air cargo on passenger planes is screened maritime cargo container security standards; new security measures for rail and public transit deadlines for establishing security plans for all critical infrastructure improvements in biometrics and other screening technology a new DHS council to monitor domestic terrorism; creation of an Assistant Secretary of Cybersecurity; and changes to DHS to ensure its operations are diverse and manageable.

Mr. Chairman, the Thompson substitute is a prudent, comprehensive, and responsible alternative to that offered by the Chairman of the Homeland Security Committee. I support it fully and ask that my colleagues join me.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the Thompson amendment in the nature of a substitute. This amendment sets forth a comprehensive, integrated policy to promote homeland security. This amendment is a true substitute amendment and covers important areas where Federal security plans are sorely needed—such as rail and transit transportation—that are omitted from the underlying bill. Frankly, the Thompson amendment demonstrates that the Democrats in this body have the better plan for securing our Nation.

I'd like to thank the Ranking Member of the Committee on Homeland Security, Congressman THOMPSON, for actively working with me to develop this comprehensive amendment. In particular, I'd like to thank him for recognizing the important role that the Department of Transportation (DOT) has in devising and implementing transportation security regulations. DOT has extensive experience in security and has the primary responsibility for the efficiency and safety of transportation. For transportation security to work well, it is imperative that the Department of Homeland Security (DHS) and DOT work on security plans in tandem. The transportation provisions in this amendment insure that the Department of Homeland Security and Department of Transportation will work together to ensure that this Nation has the strongest, smartest homeland security procedures, which do not unnecessarily undermine efficiency or compromise safety.

I'd like to highlight some of these provisions. Section 518 of the amendment is the language from H.R. 1496, a bipartisan bill which I cosponsored and which was reported by the Transportation and Infrastructure Committee in April, to allow general aviation to return to National Airport. Opening National Airport to general aviation is long overdue.

In Vision 100, reported by the Transportation Committee and passed by Congress in 2003, Congress mandated that National Airport be open to general aviation after a security plan is established. To date, this Administration has not taken action to comply with this directive. I am disappointed that the Administration has avoided reopening general aviation at National Airport for this long, and this legislation is necessary to fully restore our transportation system, and our economy.

Further, I strongly support Title VI of the Thompson amendment. This title provides for transit security and passenger and freight rail security. Again, rail and transit security are areas where DOT and DHS must work together. This amendment would provide for that.

Subtitle B is taken directly from H.R. 2351, the ''Rail Security Act of 2005,'' which I introduced earlier this month. It requires that within 180 days of enactment, the Secretary of Homeland Security and the Secretary of Transportation shall develop and implement a railroad security assessment, a railroad security plan, and prioritized recommendations for improving railroad security. The amendment also requires the Secretary of Homeland Security and the Secretary of Transportation to execute a memorandum of agreement governing the roles and responsibilities of their Departments in addressing railroad transportation security matters.

Moreover, the amendment focuses on an issue that security bills often ignore: the importance of ensuring that key workers have the support and training required to protect our rail system, whether those workers are railroad employees or emergency responders. Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain track and signal systems, dispatch trains, operate bridges, and repair cars. They are in the most direct position to spot security risks and potential threats. This bill requires rail carriers to provide security training to these workers to ensure that they are prepared to take appropriate action against threat conditions.

While I do support most of these provisions in the Thompson amendment, I have serious concerns about one particular section. Section 519 would mandate that 100 percent of air cargo on passenger planes be physically inspected. While ensuring the security of air cargo is a laudable goal, this mandate is not the best way to accomplish that goal. The effect of this amendment would be to force air carriers to remove all cargo from passenger aircraft, jeopardizing 27,000 direct jobs and $4 billion in annual revenue.

No available technology exists today to efficiently and effectively screen all air cargo for explosives. Most of the cargo screening technologies referenced by those in favor of this amendment are basic or high energy x-ray systems, which currently are not certified explosive detection systems (EDS) for cargo. U.S. airlines have implemented significant cargo inspection and screening measures mandated by Congress and enforced by TSA. First, only known shippers (shippers who are part of the Known Shipper database) may ship cargo on passenger aircraft. Second, all cargo is subject to random inspection. In addition, U.S. airlines have collaborated with TSA and the U.S. Postal Service to develop and implement a canine mail-screening program for mail carried on passenger airlines. The airlines continue to assist TSA in programs to evaluate the utility of explosive detection systems (EDS) and canines for cargo screening. These programs are the best methods available for ensuring cargo security.

However, Mr. Chairman, my concerns about the cargo security provision are outweighed by the many good security provisions in the amendment. I support the Thompson amendment. It is a comprehensive approach to providing the best security for our Nation. I urge its passage.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi (Mr. THOMPSON).

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Mississippi (Mr. THOMPSON) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 printed in part B offered by the gentleman from Florida (Mr. MEEK), amendment No. 13 printed in part B offered by the gentlewoman from Oregon (Ms. HOOLEY), amendment No. 18 printed in part B offered by the gentleman from Georgia (Mr. NORWOOD), amendment No. 20 printed in part B offered by the gentlewoman from Texas (Ms. JACKSON-LEE), and amendment No. 24 printed in part B offered by the gentleman from Mississippi (Mr. THOMPSON).

The Chair will reduce to 5 minutes the time for any electronic votes after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MEEK OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Florida (Mr. MEEK) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 244, not voting 5, as follows:

[Roll No. 183]

AYES—184

Abercrombie	Boswell	Cleaver
Ackerman	Boyd	Clyburn
Allen	Brady (PA)	Conyers
Andrews	Brown (OH)	Cooper
Baca	Brown, Corrine	Costello
Baldwin	Butterfield	Crowley
Barrow	Capps	Cuellar
Becerra	Capuano	Cummings
Berkley	Cardin	Davis (AL)
Berman	Cardoza	Davis (CA)
Berry	Carnahan	Davis (FL)
Bishop (GA)	Carson	Davis (IL)
Bishop (NY)	Chandler	Davis (TN)
Blumenauer	Clay	DeFazio

DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—244

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Tancredo

□ 1812

Messrs. MCHUGH, HEFLEY, COSTA, GOODE, Ms. BEAN, Ms. GRANGER, Mr. STEARNS and Mrs. MYRICK changed their vote from ''aye'' to ''no.''

Mr. DEFAZIO, Ms. HOOLEY, Mr. BOYD and Mr. DAVIS of Tennessee changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 363, noes 65, not voting 5, as follows:

[Roll No. 184]

AYES—363

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry

Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—65

Baird
Bartlett (MD)
Berry
Blunt
Bonilla
Boustany
Buyer
Cannon
Cantor
Cole (OK)
Cooper
Costa
Davis (FL)
Ehlers
English (PA)
Everett
Ford
Frank (MA)
Franks (AZ)
Gillmor
Gutknecht
Harris
Hayes
Hensarling
Hoekstra
Istook
Johnson, Sam
King (IA)
Kingston
LaTourette
Lungren, Daniel E.
Marchant
Mica
Miller (MI)
Moran (KS)
Nadler
Ney
Obey
Otter
Pence
Peterson (MN)
Petri
Platts
Price (GA)
Radanovich
Rohrabacher
Ryan (WI)
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shays
Shuster
Smith (TX)
Souder
Taylor (MS)
Thomas
Thornberry
Tierney
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Young (AK)

NOT VOTING—5

Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Tancredo

□ 1823

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 185, not voting 6, as follows:

[Roll No. 185]

AYES—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tanner
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frelinghuysen
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—6

Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Sullivan
Tancredo

□ 1831

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN (Mr. LAHOOD). 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 redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 245, not voting 6, as follows:

[Roll No. 186]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah

Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tanner
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Tancredo
Taylor (NC)

□ 1840

Ms. BEAN changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 24 in the nature of a substitute offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 7, as follows:

[Roll No. 187]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick

Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Kaptur
Larson (CT)
Lewis (GA)
Lucas
McDermott
Millender-McDonald
Tancredo

□ 1847

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. LAHOOD). Are there further amendments to the bill?

There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes, pursuant to House Resolution 283, he reported the bill back to the House with an amendment 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 to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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.

MOTION TO RECOMMIT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of Mississippi. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of Mississippi moves to recommit the bill H.R. 1817 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

TITLE VI—ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 601. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

To carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000 for fiscal year 2006 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 602. BIOMETRIC CENTER OF EXCELLENCE.

To carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2006 for the establishment by the Secretary of Homeland Security of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 603. PORTAL DETECTION SYSTEMS.

To carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2006 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 604. IN-LINE CHECKED BAGGAGE SCREENING.

To carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2006 $400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 605. CHECKED BAGGAGE SCREENING AREA MONITORING.

To carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2006 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 606. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

To carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000 for fiscal year 2006 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 607. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

To carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 608. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

To carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated $2,000,000 for fiscal year 2006. Such sums shall remain available until expended.

SEC. 609. AIR CARGO SECURITY.

To carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2006 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 610. FEDERAL AIR MARSHALS.

To carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement $83,000,000 for fiscal year 2006 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 611. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

To carry out section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 stat. 3734), there is authorized to be appropriated such sums as may be necessary in fiscal year 2006 for the Secretary of Homeland Security to increase by not less than 800 the number of positions for full-time active duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) in fiscal year 2006 above the number of such positions for which funds were made available during the preceding fiscal year.

SEC. 612. INCREASE IN DETENTION IN DETENTION BED SPACE.

To carry out section 5204 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), there is authorized to be appropriated such sums as may be necessary in fiscal year 2006 for the Secretary of Homeland Security to increase by not less than 8,000 the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for the preceding fiscal year.

SEC. 613. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

To carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2006 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 614. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

To carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), there is authorized to be appropriated $380,000,000 for the Secretary of Homeland Security to increase by not less than 2,000 the number of positions for full-time, active-duty border patrol agents within the Department of Homeland Security, in fiscal year 2006, above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 615. IMMIGRATION SECURITY INITIATIVE.

To carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2006.

TITLE VII—CARGO INSPECTION

SEC. 701. INSPECTION OF CARGO CARRIED ABOARD COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a system that uses equipment, technology, personnel, and other means to inspect 35 percent of cargo transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate transportation. At a minimum, this system shall meet the same standards as those established by the Secretary for equipment, technology, and personnel used to screen passenger baggage. Within 2 years after the date of the enactment of this Act, the Secretary shall use this system to inspect at least 65 percent of cargo transported in passenger aircraft. Not later than three years after the date of enactment of this Act, the Secretary shall use this system to inspect at least 100 percent of cargo transported in passenger aircraft.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report describing the system established under subsection (a).

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, last year we passed the Intelligence Reform and Terrorism Prevention Act, which included significant funding boosts for homeland security programs.

When the President signed the 9/11 bill, he made a commitment to our law enforcement personnel. He said, ''We will continue to work with Congress to make sure they have got the resources necessary to do their jobs.''

However, when the President's budget came out in January, it failed to fully fund the programs in the 9/11 Act. Frontline officers tell us that they do not have the resources they need to get the job done. The Immigrations and Customs Enforcement Service has been in a hiring freeze since late last year. The border patrol simply does not have the manpower or the support staff to be able to effectively do its job.

Simply signing a bill is not enough. You have got to do what you promised to do. What we have been asking for today, in introducing this bill, is for the President to explain why it is not necessary to fully fund the 9/11 Act to better secure our Nation.

Accountability is the key to homeland security. If the President is not going to make sure that homeland security increases are identified as being needed and are in the budget, then the American people deserve to know why.

Additionally, this motion to recommit addresses a major threat in aviation security. The Rules Committee blocked consideration of this important measure, Mr. Speaker. Every day the TSA fails to inspect the millions of tons of cargo shipped in the belly of passenger planes is yet another day American lives are put at risk.

I urge my colleagues to join me and approve this motion to recommit.

Mr. Speaker, I now yield 1½ minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, in this recommitment motion, you will get a chance, on the majority side, to vote on whether or not you want to screen cargo that is on passenger planes.

We take off our shoes. Americans take off their shoes, families putting their children on flights to head on vacation or go to school. They all take off their shoes.

But underneath, in the cargo bay of those passenger planes, almost none of the cargo which sits right next to those bags is screened. If something is this size, 16 ounces, no paperwork. Nothing.

If it is the same size as the bag your children and you have, it does not get screened. It is going on right next to your bags. And so what our amendment says is, you got a warning. The cargo on this plane has not been screened for explosives. That is the Republican bill.

The Democratic substitute says that 100 percent of all baggage, all cargo as well, on passenger planes is screened. If you care about your families, if you care about implementing one of the key recommendations in the 9/11 report, then vote for the Democratic recommittal motion. This is the only chance you are going to have to vote on this issue. Vote ''yes'' on the recommittal motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the motion to recommit would authorize full funding for all of the homeland security measures called for in the Intelligence Reform Act adopted last year: aviation security research and development, full detection systems, biological, chemical, radiation and explosive materials, passenger baggage screening equipment, air cargo security, Federal air marshals and border security measures.

It also includes a requirement that within 3 years all air cargo on passenger planes be screened.

Mr. Speaker, I ask for a ''yes'' vote on this motion to recommit.

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

Mr. COX. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I want to draw our attention to what is actually in the motion to recommit. It consists of 15 sequential sections that do nothing more than authorize monies, and a final section, which my colleague from Massachusetts just spoke about, concerning air cargo which contains no reference to money, whatsoever, but which, according to the Department of Homeland Security, would effectively double the budget of the TSA.

Let me read to you the dollar amounts in each of the sections, because I want to draw Members' attention to the fact that there are no offsets. There are no sources of funding for these provisions.

Section 601 adds $20 million without any funding source; section 602, $1 million; section 603, a quarter billion dollars; section 604, $400 million dollars and so on.

I mention this because we are here on the floor for the first time considering the Department of Homeland Security authorization bill in an annual process that is beginning now, but which will go on for the indefinite future. And we are seeking to establish a precedent.

And that precedent is that just as with other national security authorize legislation that we bring to the floor, in this bill, it is real money. In this bill, we are authorizing funding within the House-passed budget and consistent with amounts that we actually intend to appropriate.

Now, we have a unique opportunity this year because the order of consideration of the appropriations bill and the authorization bill was reversed. Just yesterday on the floor of this House, Members voted on the appropriations bill so we actually know real dollar numbers that Secretary Chertoff and the Department of Homeland Security will have to work with. And virtually every Member on this floor just voted for that bill yesterday.

□ 1900

So, if we are to come to the floor today and vote for funding figures which are different from what we know will actually happen, we will be placing priorities before the Department of Homeland Security and mandates on the Department of Homeland Security that we know it cannot meet.

There are some other anomalies with the funding provisions in the motion to recommit that I am certain must be drafting mistakes.

I do not doubt for a moment the passion of the gentleman from Massachusetts when it comes to the question of screening air cargo, but I have to draw Members' attention to the fact that

the dollar figure that is authorized for the Department of Homeland Security for air cargo in the motion to recommit is $100 million. That would be a $15 million cut from the actual number that we appropriated last year and a $28 million cut from what we just voted for air cargo screening in yesterday's appropriations bill. I do not know why we would do that.

The same thing is true for air marshals. This House is very interested in putting air marshals on airplanes to protect the flying public. The motion to recommit sets the authorized funding level for air marshals at $83 million. The appropriations bill that we just voted for yesterday would give the Department of Homeland Security $700 million, not $83 million for air marshals. Why would we cut air marshals, unless it is a drafting mistake in the motion to recommit?

As I said, this is an historic moment on the floor of this House, and I want to draw our attention to what we are about to do, as soon as we finish the motion to recommit. We are about to vote on what will be the first of an annual authorization for the Department of Homeland Security.

That bill is bipartisan. Both sides agree on everything that is in it. It fully funds 2,000 new Border Patrol agents. It establishes a top level new Assistant Secretary for Cyber Security within the Department of Homeland Security. It beefs up the intelligence capability at the Department of Homeland Security. It reforms the threat warning system. It establishes the Homeland Security Information Network that will link thousands of local agencies across the country in real-time to the Department. It does all of this and much more within the House-passed budget and within the confines of the appropriations bill that we just passed yesterday.

This is exactly the norm that is set for us in the authorizing legislation that comes from the Committee on Armed Services to fund the Pentagon and that comes to us from the House Permanent Select Committee on Intelligence to fund the intelligence community. Those authorization bills all live within the budget. So, too, must we in this homeland security authorization bill this year and every year hereafter.

To my colleagues on the Democratic side, I understand what they are doing in this motion, seeking to draw attention to critical issues such as cargo security and chemical plant security that are not yet the subject of authorizing language on the floor of this House. I commit to my colleagues that this bill on which we agree is a beginning and that our new committee will use its jurisdiction to develop bipartisan legislation on these subjects, just as we have on first responders, just as we did last week on the floor of this House, and just as we have on this historic $34 billion authorization for the Department of Homeland Security.

Mr. Speaker, if I may in conclusion say that I am thoroughly impressed with the effort and the work that has been put forth on both sides of the aisle on this bill, with the performance and the leadership of the gentleman from Mississippi (Mr. THOMPSON), my colleague. May I say that there has not been 1 day since September 11 when any Member of this House has forgotten the lesson of homeland security that we learned on that day, chief among which is that we must always put the security of this country ahead of partisan politics.

The bill that we will vote on in a moment, the homeland security authorization bill, does that, and I look forward to standing shoulder-to-shoulder with the gentleman from Mississippi (Mr. THOMPSON), with all the members of the committee, and with, I believe, all the Members of this House.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 199, noes 228, not voting 6, as follows:

[Roll No. 188]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson

Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Feeney
Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 4, not voting 5, as follows:

[Roll No. 189]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Gutierrez
Markey
Obey
Paul

NOT VOTING—5

Larson (CT)
Lewis (GA)
Lucas
Millender-McDonald
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1927

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 18, 2005 to vote on rollcall vote Nos. 181, 182, 183, 184, 185, 186, 187, 188 and 189 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 181 on calling the previous question on H. Res. 283—the rule providing for consideration of H.R. 1817—Homeland Security Authorization Act for Fiscal Year 2006; "no" on rollcall vote No. 182 on passage of H. Res. 283—the rule providing for consideration of H.R. 1817—Homeland Security Authorization Act for Fiscal Year 2006; "yea" on rollcall vote No. 183 on an amendment to H.R. 1817 to increase funding for the Department of Homeland Security's Office of Inspector General to $200 million; "yea" on rollcall vote No. 184 on an amendment to H.R. 1817 to prohibit any of the money in the DHS authorization bill to come from an increase in airline ticket taxes; "no" on rollcall vote No. 185 on an amendment to H.R. 1817 to clarify the existing authority of State and local enforcement personnel to apprehend, detain, remove, and transport illegal aliens in the routine course of duty, and requires DHS to establish a training manual on this matter and set forth simple guidelines for making that training available; "yea" on rollcall vote No. 186 on an amendment to H.R. 1817 to call for the Secretary of Homeland Security to submit a report to Congress on: the number and types of border violence activities that have occurred; the types of activities involved; a description of the categories of victims that exists; and a description of the steps that DHS is taking and any plan that the Department had formulated to prevent these activities; "yea" on rollcall vote No. 187 on an amendment to H.R. 1817 in the nature of a substitute to authorize $6.9 billion over H.R. 1817 in homeland security funding and includes a number of policy proposals to close security gaps and to restructure the Department of Homeland Security; "yea" on rollcall vote No. 188 on the motion to recommit H.R. 1817 to the Committee on Homeland Security; and, "yea" on rollcall vote No. 189 on passage of H.R. 1817—the Homeland Security Authorization Act for FY 2006.

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 1817, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. COX. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections and other conforming changes in the engrossment of H.R. 1817 to reflect the actions of the House.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1526

Mr. OTTER. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from Louisiana (Mr. JINDAL) removed as cosponsor of H.R. 1526, the Security and Freedom Ensured Act of 2005.

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

There was no objection.

REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–86) on the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, 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.

SUPPORT 527 FAIRNESS ACT OF 2005

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise in support of the 527 Fairness Act of 2005. This is a bill that levels the playing field between political parties, PACs, Federal campaigns and 527s. The 527 Fairness Act lifts up other players by injecting more freedom into the campaign system.

The legislation is very simple. It removes the aggregate contribution limit. It allows State and local parties to spend non-Federal dollars for voter registration and sample ballots. What it does not do is it does not repeal the limits on individual contributions to national parties and committees. It does not allow soft money to go to national political parties.

The answer, Mr. Speaker, to problems and politics in a free society is more freedom, not less freedom. So I commend my colleagues, the gentleman from Indiana (Mr. PENCE) and the gentleman from Maryland (Mr. WYNN) for introducing this bipartisan vital piece of legislation. I urge my colleagues to support the 527 Fairness Act of 2005.

NO FILIBUSTER CHANGE

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

Ms. WOOLSEY. Mr. Speaker, I was recently playing a card game with my 5-year-old grandson, Teddy. And he knows it is wrong to change the rules in the middle of the game just to win. But the Republicans do not seem to play by any rules. If they sense vulnerability, they will rewrite historical laws to suit their needs. That is exactly what they did in the House Committee on Standards of Official Conduct, and that is exactly what they are trying to do by eliminating the filibuster in the judicial nomination process.

Americans do not want this Nation to be run by leaders willing to change the rules, to forgo the laws of the land, to cater to their special interests. They do not want judicial nominees that are bullied through Congress. They want qualified candidates that receive bipartisan approval like the other 200-plus Bush nominees approved by the Senate.

Changing the rules of the game to make an exception for 10 judges is not democratic. It is a blatant abuse of power. Mr. Speaker, this is something even a 5-year-old can understand.

REPUBLICAN QUEST FOR ABSOLUTE POWER

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

Mr. BROWN of Ohio. Mr. Speaker, President Bush, Senator FRIST, and the majority leader, the gentleman from Texas (Mr. DELAY) are in a quest for absolute power in Washington, even if it means corrupting our government and the vision of our Founding Fathers.

The White House has manufactured a judicial crisis. Since the President took office, the Senate confirmed 208 of his judicial nominees and turned back only 10, a 95 percent confirmation rate. That rate is the highest approval rating for any President in modern times, higher than Reagan, Bush Senior and Clinton. The President presides over the lowest court vacancy rate in 25 years.

But 95 percent is not good enough for this White House. They want to have it all. That is simply not how it is supposed to work, and America sees this for what it is, an extreme power grab by the majority party. Our country knows that our country works best when no political party has absolute power.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, 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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take my Special Order time out of order.

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

There was no objection.

THE RADICAL RIGHT

(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, the word ''nuclear'' holds special meaning in our world. It is a word that has become synonymous with chaos, total destruction and annihilation. Nuclear is the word that for the last half century has struck fear in the hearts and minds of people across the United States.

For the last 2 months, Republicans in the Senate have threatened the nuclear option, like destroying the world was something you planned for and even boasted about. Over and over, the Republican-controlled Senate threatened to go nuclear, as if they were shouting ''lock and load'' at some local gun club.

For far too long, the Senate majority leader has been a trigger happy gun slinger who set aside a Colt 45 and ordered up a thermal nuclear warhead in its place. Just imagine the outcome if he had been President staring down Nikita Khrushchev during the Cuban missile crisis.

Today, Senate Republicans released the nuclear warhead and the blast zone extends east or west, north to south, incinerating the rights of every American. It will be the first strike launched on behalf of the radical right aimed at annihilating the safety, security and freedom of every American.

This is not about politics. The real Republican target is the U.S. Supreme Court and the judiciary. The Republican leaders said so in the House, and

the Senate leaders said so in the Senate. No fallout shelter will keep us safe from the nuclear winter they plunge America into.

The radical Republican right has an agenda and they intend to use every weapon at their disposal to enforce their will upon the American people. The radical Republican right wants to dictate what a woman can and cannot do with her body. The radical Republican right wants to abolish women's rights one court decision at a time. Republicans just gave the radical extremist the right to abolish Roe v. Wade. Republicans just handed the radical right the keys to our democracy. Women's rights will be nuked.

Republican extremists will replace a woman's right to choose with a requirement to be subservient. The Republican Party intends to stack the Court and stack the deck against women.

They intend to violate the environment, too. Republican extremists want to stack the courts so their corporate lobbyists and special interests are shielded from liability, protected from acting responsibly, and given the right to foul the air, pollute the water, dump toxins on the ground, and spew carcinogens in the atmosphere.

Greed is God to these radicals who are attempting to subvert democracy with religious idolatry. Run for your lives, America, the Republicans are coming. Right wing extremists in the Republican Party control the House, the Senate, and the White House, and they want the new trophy, and it is called the Supreme Court.

They want to send their militants into your homes, into your lives, next to your death bed, to force their will upon you. The Republicans in charge today want to replace the Constitution with the Bible. The Republicans in charge today would like nothing better than to enforce a literal interpretation of the Bible in every American home, every American school, and every American mind.

The Republican majority leader from Tennessee wants America to return to 1925 when the Butler Act in his State told people what to think and what to believe. But before the Republicans shout their Hosannas on high, let me recite a passage from the Bible. It was used by the defense in the Scopes monkey trial.

Dayton, Tennessee, science teacher, 25 years old, John T. Scopes was persecuted and prosecuted for teaching science and not religion in the classroom. The great attorney, Clarence Darrow, who defended Scopes, called upon the Bible. ''A holy book, a good book, but not the only book,'' Darrow said, in defense of a man who was convicted but later acquitted by the Supreme Court of the United States.

And I recall his words today to remind the Senate majority leader and every Republican intimidated into hypocrisy to remember the Bible. Clarence Darrow quoted Proverbs, chapter 11, verse 29, and here is what the Bible says: ''He that troubleth his own house shall inherit the wind.''

Tonight we begin the ice age because the wind is going to be cold coming out of that Senate. Remember, ''He that troubleth his own house shall inherit the wind.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY

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, the time has come for a new national security strategy because our current path will only lead to future acts of terrorism and an increasingly insecure United States of America.

Most Americans understand that the best way to protect our country is through smarter policies right here at home, not through aggressive military combat abroad. In fact, a poll released today indicates that support for the war in Iraq is at its lowest level yet. Maybe that is because most Americans know that Iraq never possessed weapons of mass destruction, never had a connection to al Qaeda, and never played a role in the terrorist attacks of September 11.

Yet the Bush administration claimed each of these examples as fact in order to justify going to a war in Iraq and just over 2 years ago the U.S. invaded Iraq. Since then, more than 1,600 American soldiers, at least 24,000 noninsurgents Iraqi civilians, have paid for this false war with their lives, and over 12,000 American soldiers have been wounded forever.

Clearly the Presidential national security platform is not just immoral, it is incompetent. There has to be a better way, a better way than this. Fortunately, there is. Earlier tonight I reintroduced the SMART Security resolution for the 21st century. SMART security clearly has increasing support among Members of Congress because at the end of the 108th Congress we had 50 cosponsors to the SMART security bill. This year alone, SMART already has 49 original cosponsors, and myself, and it was just introduced today. SMART, which is Sensible Multilateral American Response to Terrorism, has five major components.

First, we must prevent future acts of terrorism by strengthening international institutions and the rule of law. For the past 4 years, the Bush administration has worked to discourage international cooperation. Most recently, his example of hostility toward diplomacy is the nomination of the hard-line unilateralist John Bolton to represent our country to the United Nations. Unilaterialism is not the answer because terrorism is not just America's problem.

We can reinvigorate our international relationships by encouraging our United Nations and NATO partners to help us root out terrorist networks and put a stop to financing international terrorist groups.

Second, we must stop the proliferation and spread of weapons of mass destruction. In the past, President Bush has indicated this is the greatest threat America faces. Yet he has both aggressively pursued new nuclear weapons like the bunker buster bomb, and he does not support international treaties that seek to end the spread of chemical and biological weapons.

□ 1945

Not only does SMART security promote compliance with America's commitments to existing treaties, it also calls for the United States to set an example for the rest of the world by renouncing the development and testing of new nuclear weapons.

Third, we must address the root causes of terrorism. The first front line in the war on terror has to be confronting the despair and deprivation that foster it. There is a demonstrated link between an educated citizenry and a decrease in support for terrorism which is why SMART security wholly encourages democracy-building; human rights education; sustainable development; and education, particularly for women and girls in these nations. These are the programs we need to pursue in Iraq, not continued military operations.

Fourth, we must shift America's budget priorities to more effectively meet our security needs. We need stronger investments in peacekeeping, in reconstruction, and humanitarian and developmental aid. We simply cannot afford to spend billions each year on outdated or unproven weapons systems like the missile defense shield which has yet to be proven successful.

Fifth, the U.S. must pursue to the fullest extent alternatives to war. War needs to be the very last resort, to be considered only after every single possible diplomatic solution has been exhausted.

Mr. Speaker, the security of the American people is perhaps the most important issue we must address in the post-September 11 world, but we must address it in a smart way. As the world's largest democracy, we have a responsibility to utilize all diplomatic possibilities before resorting to force.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–87) on the resolution (H. Res. 287) providing for consideration of the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. NORTON. Mr. Speaker, I ask permission to claim the time of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

JUDICIAL APPOINTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, the Congressional Black Caucus has been in the forefront of the fight to preserve the filibuster, a much-used, indeed used more against African Americans than any others. We do not want to see and will not stand to see the rules changed when it could now be used to protect us from judges who would overturn our rights.

We have supported the idea of a compromise, if one could be found; but I come to the floor this evening to say that we are horrified to hear of a possible compromise involving two judges that would be most unacceptable to the 43 members of the Congressional Black Caucus who unanimously oppose elimination of the filibuster and unanimously oppose these two judges: Attorney General William Pryor, who would be nominated to the 11th Circuit; and Janice Rogers Brown, who would be nominated to the D.C. Court of Appeals.

Briefly, Attorney General Pryor in this year when we are starting the reauthorization of the 1965 Voting Rights Act would simply be totally unacceptable to us and we think to most Americans. This is a man who sought to repeal the critical section of the Voting Rights Act, who has indicated that some rights now protected by the Constitution should be regarded as social disputes and essentially has indicated that some of these rights now protected by the Constitution should indeed be left to the States. This is a man who belongs perhaps on the Supreme Court in the 19th century, not today.

We are particularly insulted that President Bush would resubmit the name of Janice Rogers Brown. Has he done so because she is African American and somehow he believes that for that reason people will go easy on her and not look at what in fact she has stood for? We regard her nomination as nothing short of insulting. When she was first nominated to the California Supreme Court, the signal from the California Association of Black Lawyers who opposed her nomination was that her appointment could be detrimental, as they put it, to black America with nothing short of, as they put it, far reaching circumstances for generations to come. How right they proved to be. When she was renominated to the California Supreme Court, 20 of the 23 members of the California bar found her to be not qualified because of the way she inserted her personal opinions, her personal views, into her judicial opinions.

Janice Rogers Brown and the rule of law are strangers. She has no regard for precedent. How else to explain a ruling of hers where she found that racially derogatory on-the-job speech was unconstitutional even though the Supreme Court long ago found that such speech is not protected by title VII of the Civil Rights Act. Why did she find herself in dissent reaching this conclusion?

I recite the cases because you hear that these judges are extreme. We mean to make you understand, hopefully, what we mean by extreme. Proposition 209 passed, an anti-affirmative action proposition, passed in California. The judge who was on her side of the case, the Chief Justice, Ronald George, also appointed by Governor Pete Wilson, said when he read her concurrence, remember, concurrence with him, that the concurrence raised ''a serious distortion of history,'' indicating that it would be widely and correctly viewed as presenting an unfair and inaccurate caricature of affirmative action programs. When a judge on your side appointed by the same Governor as you characterizes your agreement with him in this way, is he not telling the Senate something it must listen to?

Here is a woman who found that black women in a case involving a prosecution where the prosecution may have used racial preemptory challenges found that black women are not a cognizable group. Again, she has often found herself in dissent even from her own Republican colleagues.

We do not need this woman on the District of Columbia Court of Appeals where she would bring her views that ''the New Deal was the triumph of our own socialist revolution'' to Washington.

SERGEANT MIKE LANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise tonight to honor Sergeant Mike Lane, a lifelong Texan, member of the Beaumont Police Department for 33 years. Each day a person who wears the badge walks the thin blue line between life and death. Their spouses wonder when their police officer mate reports for duty if that person will return safely home. Last year, 156 of them did not return home to their families. Texas, along with California, each led the Nation last year with 14 police officers killed in the line of duty. Sergeant Mike Lane was one of them.

Mike Lane graduated from Beaumont High School in 1969 and received his pilot's license even prior to high school graduation at the young age of 17. He attended Lamar Tech, now Lamar University, until he decided to answer the call of law enforcement. In 1972, Sergeant Lane joined the Beaumont Police Department where his lengthy legacy began. He spent 32 years with the same police department in southeast Texas, fighting crime, helping people.

A son of a retired Air Force member, Mike Lane was raised in airplane hangars all over the world from Japan to the United States. He had the passion of the Wright brothers for flying. He had aviation in his Texas blood. In the mid-80s, the Beaumont Police Department seized a plane used to smuggle drugs from Belize to Texas. After acquiring the plane, they began using it for local missions. Sergeant Lane immediately jumped at the chance to get in the pilot's seat for the citizens of Jefferson County. He was one of the two designated pilots for the Beaumont Police Department.

Just as policemen are drawn together by common goals, pilots seem to congregate together as well. His partner in the sky was another pilot in the police department, Deputy Chief Weldon

Dunlap. Deputy Chief Dunlap recalls, ''Mike had an amazing wealth of knowledge about aircraft. He literally ate, drank, and slept airplanes.''

When the Army gave the Beaumont Police Department two helicopters, it was only natural that Lane would be heavily involved in the helicopter operations that would come up. Any time there was a mission or training, Lane was the first in line to take part in it.

On the evening of September 15, 2004, the neighboring Port Arthur Police Department reported a boat fire on Sabine Lake. Lane was one of two pilots who was called to duty for the search and rescue mission that took place that moonless night, a night that Deputy Chief Dunlap recalled was extra dark. During the flight, Lane was tasked with shining the spotlight on the large, murky, marshy Sabine Lake near the Texas-Louisiana border while the other officer maneuvered the helicopter through the intense, immense darkness that surrounded them.

Flying a mere 6 feet above the lake in an effort to get closer and look for people or debris in the water, Sergeant Lane was once again fulfilling his oath to protect and serve the people.

Sergeant Lane and crew made last contact shortly after 10:30 p.m. and after that, there was only silence, silence in the stillness of the damp, dark, dreary night. A helicopter search team spotted the wreckage almost 4 hours later at 2 o'clock in the morning. Jefferson County Sheriff's Deputy Jeremy Battenfield, who was piloting the helicopter, survived the crash with minor injuries; but in the line of duty, doing what he loved and what he did best at the age of 54, Sergeant Mike Lane lost his life in the stillness of that September night.

Hundreds of law enforcement members from across Texas and Louisiana traveled to South Park Baptist Church in Beaumont to pay their respects to a unique and talented officer and pilot that will never be replaced. He was laid to rest in the same church where he served as a deacon and a mentor to kids.

Mr. Speaker, this past weekend, I had the opportunity to participate in the Fraternal Order of Police's 24th annual National Peace Officers Memorial Service here on the Capitol grounds to remember those police officers killed last year. I was honored to join the multitude of officers and surviving family members who traveled to Washington to assure their comrades that they never walk alone. I spent time with Sergeant Lane's wife, Renee; his son Ben; and his two sisters; and I was moved by the memories they had of their husband, their father, and their brother.

Mr. Speaker, there are more than 800,000 members of the law enforcement community in this Nation. They wear the badge, and with that badge they become a cut above the rest of us. They do what most of us would not do. They watch out for our country, our kids, our family and our great land.

In 2004, 156 officers were killed in the line of duty. Last year, our military lost nearly 900 of its band of brothers during operations in Iraq and Afghanistan. And while we often pay daily tribute to our fallen military who have been combating outlaws across the sea, these warriors against domestic outlaws, our police officers, often remain nameless, statistical heroes.

When President Bush spoke this last weekend, he stated that every generation of Americans has produced men and women willing to stand in watch over the rest of us. They are peace officers. When Sergeant Lane lost his life on the Sabine Lake that night, he did not die alone. His conviction, courage, and character live on and his spirit watches over his friends and family and the citizens of Jefferson County, Texas, that he devoted his life in protecting.

Thank you, Sergeant Mike Lane.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHICAGO LIGHTHOUSE INDUSTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to talk about an industry in my congressional district that is being frustrated, squeezed, uncertain about its future as a result of our trade policy, globalization and the general tenor of the times. I rise to talk about the Chicago Lighthouse Industries, which has made clocks for the Federal Government for the last 28 years. They have been consistent and diligent in their performance. Since 1977, the Chicago Lighthouse has made 3.3 million clocks. In fact, last year they made 104,000 clocks for all branches of the military, Energy Department, the Postal Service, and the Justice Department.

The unique thing about the Chicago Lighthouse is that they employ more than 40 people who are blind or are visually impaired.

□ 2000

They employ their workers at a salary of $8.50 an hour and provide health benefits. On a recent visit to the Chicago Lighthouse, I was amazed at the level of detail and speed at which the workers developed the clocks. They have an assembly line that produces in packages 1,000 wall clocks daily.

In fact, Rita McCabe can assemble a 12-inch clock in less than 1 minute. Ms. McCabe, who is blind, found her job through the Chicago Lighthouse. When asked how she felt about her job, she stated the following: ''It gives me a chance to be with people, to make a living on my own, and to prove that I am competent enough to do this kind of work.''

Ms. McCabe has worked for the Chicago Lighthouse for 25 years. Rita McCabe's job is in jeopardy due to competition from foreign sources. In the past 4 years, U.S. imports of wall clocks, most of them from China, have increased by 24 percent, totaling $123 million in 2003.

The Chicago Lighthouse does not mind competition. They have suggested that they can compete with anyone as long as the rules are the same. Unfortunately, the playing field is not level when it comes to competing with China and other countries that do not have a minimum-wage requirement or pay health benefits to their workers. The Chicago Lighthouse pays its workers an average of $8.50 per hour plus health benefits. In China, it is not uncommon for workers to make $2 an hour and have no benefits. China is able to undercut clock manufacturers like the Chicago Lighthouse for the Blind because they do not play by the same rules. They are able to dump their products into the United States for a cheaper price. This adds to the trade deficit that currently exists.

More importantly, to allow foreign governments who do not pay minimum wage or a livable wage nor provide benefits to continue to undercut U.S. companies like the Chicago Lighthouse erodes the faith that citizens have in government and puts many jobs here at home at risk. The Chicago Lighthouse is not asking for preferential treatment. They are seeking fundamental fairness. The Lighthouse has been in existence now for 99 years, and they have done something right to be able to survive for so long.

The Federal Government, as a result of the Javitz-Wagner-O'Day Act, is required to show favor towards the Chicago Lighthouse and other organizations like it when purchasing clocks through the General Services Administration. However, this law has been eroded and many Federal purchases are going for the lower-priced clocks. Obviously, these are the clocks that are being produced through cheaper labor costs. The Federal Government must set the example and ensure that taxpayer money is not going to support foreign governments that do not have minimum wage or benefit standards comparable to those in the United States.

Everything comes at a price. The workers at Chicago Lighthouse are able to be productive tax-paying citizens because of their jobs. These jobs help to support them, their families, and the local economy. For example, Mr. Albert Harris has been with the Chicago Lighthouse since 1971, able to work, though blind.

Mr. Speaker, the Chicago Lighthouse and other entities that employ our people must be able to continue to do so. Let us make sure that our trade policies are fair and equitable and that

they can compete on an even keel, on an even playing field.

The SPEAKER pro tempore (Mr. KUHL of New York). 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.)

ORDER OF BUSINESS

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to speak to this Chamber and address the Speaker and the House.

I would like to speak about the embryonic stem cell research that is a matter of discussion around this Congress intensively in the last weeks and months as we have been here. I would like to join some of my colleagues in explaining the progress and promise of adult stem cell research, and I would like to also dispel many of the myths promoted by those urging more Federal funding for the destruction of human embryos required for embryonic stem cell research. I am for stem cell research, adult stem cell research. I am not for ending human life in the process of trying to find a cure for the lives of others.

Among the favorite myths of proponents of embryonic stem cell research is the legend that there are 400,000 embryos stored at IVF clinics that are simply going to be discarded. So we should derive some benefit from them, my opponents say. This figure has become so fixed in their rhetoric that it now seems to be a fact. Members of both Houses, in a letter to President Bush, even cited the number, the 400,000 number, in an effort to get President Bush to change his current policy on the funding of embryonic stem cell research. These proponents then use that number to create the assumption that an equally large number of therapeutic stem cells can be derived from them.

Here is why this argument is wrong, Mr. Speaker: IVF embryos will not just die anyway. Most IVF embryos are designated for implantation, and the rest can be adopted. In 1995 about 500,000 women were seeking to adopt a child. That would be 500,000 families, most of them husbands and wives. Seventy-five children are alive and well today who started life as frozen embryos.

All of the frozen embryos have the potential to become an independent, well-adjusted human being. Only a small fraction, 2.2 percent, are slated to be discarded. Only another 2.8 percent of embryos in IVF clinics, that is, roughly 11,000, have been designated by their parents for research. That is a total of 6 percent of all the embryos presently in IVF storage that are intended for disposal or research. Only 6 percent. Ninety percent are designated for a future.

More than 90 percent stored in clinics are saved for later use by parents or donated to other infertile couples for implantation. That means of the original 400,000 frozen embryos, only 11,000 are actually available to be destroyed for their stem cells. Of those available embryos, less than 275 stem cell lines would be created. That can be with private sector dollars. It does not have to be dollars extracted from the taxpayer.

When we are asking the taxpayer to contribute money to the Federal Government and diverting those dollars, Mr. Speaker, to go towards embryonic stem cell research, which of necessity must end a human life, and a human life like those 75 children that have come from frozen embryos to childhood and on their way to adulthood, that is an immoral choice, a choice that we are imposing upon tens of millions of people that understand in this country that life begins at the instance of conception; and we cannot declare an embryo, a fertilized egg, that has all of the chromosomes and all the components of an individual little blessing, we cannot declare them to be something of science to be discarded.

And if we roll ourselves back into history, back to the time of the Second World War, the Nazi regime, Dr. Josef Mengele, he did research on people, people who saw more than half of their world population extinguished by the Nazi regime. He did research on people because they were Jewish and put them in chambers and froze them to death and put them in heat chambers to see how much heat they could stand and put them through a whole series of scientific experiments to find out the limitations of the human body, how much suffering could they take, how much weather could they take, how much deprivation of food and water, how much torture could they take, and documented that. And civil societies have refused to use the information and the data that came from the Nazi regime because it resulted in the death of human beings.

This embryonic stem cell research also results in the death of human beings, Mr. Speaker. It is the same kind of philosophy done in the name of science. We can find and have found better and other ways to produce similar and better science. We need to follow that path. There is no legal prohibition against embryonic stem cell research in this country. The debate in this Congress is about will we impose a tax upon Americans and compel them to dig into their pockets and contribute to this diabolical science that ends the life of an innocent human being for the potential of improving the life of others when we have other alternatives.

Mr. Speaker, I rise this evening to join my colleagues in explaining the progress and promise of adult stem cell research and to dispel many of the myths promoted by those urging more federal funding for the destruction of human embryos, required for embryonic stem cell research.

Among the favorite myths of proponents of embryonic stem cell research is the legend that there are 400,000 embryos stored at IVF clinics that are simply going to be discarded, so we should derive some benefit from them. This figure has become so fixed in their rhetoric that it now seems to be a fact. Members of both Houses, in a letter to President Bush, even cited the number in an effort to get President Bush to change his current policy on the funding of embryonic stem cell research. These proponents then use that number to create the assumption that an equally large number of therapeutic stem cells can be derived from them.

Here is why this argument is wrong: IVF embryos will not just "die anyway." Most IVF embryos are designated for implantation, and the rest can be adopted. In 1955, about 50,000 women were seeking to adopt a child. 75 children are alive and well today who started life as "frozen embryos."

Only a small fraction—2.2 percent—are slated to be discarded.

Only another 2.8 percent of embryos in IVF clinics, roughly 11,000, have been designated by their parents for research.

That is a total of 6 percent of all the embryos presently in IVF storage that are intended for disposal or research. More than 90 percent of embryos stored in IVF clinics are saved for later use by parents or donated to other infertile couples for implantation.

That means of the original 400,000 frozen embryos, only 11,000 are actually available to be destroyed for their stem cells.

Of those available embryos, less than 275 stem cell lines would be created. So, behind the seemingly impressive number of 400,000 frozen embryos, the reality is that the actual number of stem cell lines. likely to be produced from them is so small as to be clinically useless.

In order to treat diseases—which is, as I will explain, still a very distant prospect using human embryonic stem cells—hundreds of thousands more embryos beyond those currently frozen and available for research would be needed. This could only be achieved by a deliberate effort to create new embryos for the sole purpose of destroying them—an outcome that the use of the frozen embryos is supposed to avoid, but would most likely cause. Federal funding of this destructive embryonic stem cell research would, therefore, create an incentive to create and kill more human embryos for stem cells, which would lead to a US human embryo farm industry.

There is an ethical alternative to killing these embryos: Adult and cord blood stem cells are treating patients of over 58 diseases.

Even if these frozen embryos were going to be discarded anyway (which they are not), and even if there was no ethical alternative

(which there is), it would still be morally wrong to kill these human embryos for experimentation.

From the Nuremberg Code to the Belmont Commission, this utilitarian justification for harmful or fatal research has been soundly rejected in order to protect patients and the practice of medicine.

Civilized cultures have protections in place to make sure we do not allow research on, or use organs from, death row prisoners who are ''going to die anyway,'' and we do not do research on terminally ill patients unless such research has a chance to help the patient.

We take a great risk if we dehumanize human embryos and accept ''they are going to die anyway'' as how we judge what is acceptable treatment for our fellow human beings.

Examples of atrocities that would be justified by the statement that the victims are going to die anyway include: Harvesting organs from and experimenting on death row inmates (like China), harvesting organs from and experimenting on the terminally ill, and submerging 15 live human unborn children into salt solution to learn if they could absorb oxygen through their skin. One fetus survived for 22 hours in an actual U.S. case.

The second major myth is that the stem cells lines that could be derived from these frozen embryos have the potential to cure numerous diseases, but that such cures remain just around the corner and just out of reach because the administration refuses to fund research in which these embryos would be destroyed. This, too, is false.

Adult stem cells have treated over 58 diseases in human patients in published clinical studies. Embryonic stem cells have not treated even one patient, and have mixed results—at best—in animal trials.

Moreover, human embryonic stem cell research is completely legal. The debate is solely about federally funding research that requires the destruction of embryos, human beings in their earliest stages of life.

President Bush is the first president to federally fund human embryonic stem cell research. He determined that such research could be funded so long as the cells had been obtained from embryos destroyed on or before August 9, 2001.

Since then NIH determined that there are 78 derivations of embryonic stem cells that are eligible for Federal funding, and 22 cell lines are currently receiving Federal funds. According to the director of the National Institutes of Health, the Bush policy is sufficient for basic research.

There are 16 additional ''eligible'' embryonic stem cell lines in existence that have not been ''contaminated'' by mouse feeder cells.

NIH spent about $25 million on embryonic stem cell research in 2003, funding 118 research projects.

HHS reports that as of February 2004, embryonic stem cell providers had shipped more than 400 lines to researchers, and there are 3,500 vials of embryonic stem cells that are waiting to be shipped to researchers.

The ultimate goal of researchers is free and unfettered access to Federal dollars to create and destroy embryos for research purposes, and to employ human cloning as the method of choice.

Embryonic stem cell research will not, no matter what the claims of its proponents, become the cure-all it is touted as.

Of the fewer than 275 potential viable stem cell lines genetical diversity will still be lacking, since minorities are poorly represented among IVF clients.

Stem cells from IVF embryos will cause serious immune rejection problems if transplanted into patients. Researchers argue that to avoid immune rejection, we need to clone people to make stem cells that are genetically identical to the patient receiving the stem cell transplant.

Many of my colleagues, I'm sure, have been visited by members of disease organizations, desperate for cures for their loved ones. One of the myths promoted by some of these organizations—and I believe that the families, most of the time, do not know the falsity of their statements—is that somatic cell nuclear transfer is not cloning. This is absolutely false. Somatic cell nuclear transfer, or SCNT, is the process that created Dolly, the cloned Scottish sheep. This makes me irate, that some in the scientific community would mislead victims of disease and illness and their loved ones into fighting for research they would oppose were they told the truth, and making them believe that this sort of research will cure all that ails them if they were just provided the money.

Here are the facts: All medical advances (at least 58 therapies) from stem cells to date have been from ''adult'' stem cell research, which carries no ethical concerns. There have been none from embryonic cells, not even in animal studies.

The benefits of research that kills living human embryos is purely speculative and has been hyped by researchers who are after federal funding and by a media that doesn't understand or report the distinction between adult and embryonic stem cells.

Proponents continue to make the false claim that embryonic stem cells will cure Alzheimer's Disease. It almost certainly will not.

The Juvenile Diabetes Research Foundation has irresponsibly refused to promote or fund ethical adult stem cell research, despite the fact that is it shows far more promise in treating diabetes than does research on cells derived from human embryos.

This debate is purely about federal funding. Embryonic stem cell research is completely legal.

Americans do not support destructive embryonic stem cell research, especially when they are provided with the facts.

When respondents in a poll at the beginning of this month were told that scientists disagree on whether embryonic or adult stem cells will end up being most successful in treating diseases, 60 percent favored funding only the research avenues that raise no moral problem, while only 22 percent favored funding all stem cell research including the kind that involves destroying embryos.

Killing human embryos is morally wrong. A human embryo, a person in his or her earliest stages, must be destroyed to obtain embryonic stem cells. Destroying early human life shows a profound disrespect for human life.

The ends do not justify the means. Some pro-life members of Congress support funding of embryonic stem cell research on the basis that this research could save the lives of people with debilitating diseases. This obfuscation of the term ''pro-life'' is based on a utilitarian ethic. It is unethical to destroy some human lives for the betterment of the lives of others.

Even President Clinton's National Bioethics Advisory Commission concluded that embryos ''deserve respect as a form of human life.'' The Commission recommended funding of embryonic stem cell research, only if there were no alternatives. Adult stem cells are currently being used to successfully treat humans suffering from many diseases.

Taxpayers shouldn't spend their hard earned money on embryo destruction. Federal funding of the destruction of human embryos for research is unethical. The debate is over the use of taxpayers money, not whether it is legal. American taxpayers should not be forced to fund unethical research.

The fact is that patients and their loved ones need real hope, not hype. That hope resides in non-controversial, tried-and-true adult stem cell research. When this issue comes to the floor next week, please join me in returning our focus from destructive embryonic stem cell research to adult stem cell research, which has been proven to work, is not morally controversial, and holds true promise for disease victims.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from California (Mr. FILNER).

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

There was no objection.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last year President Bush signed the Central American Free Trade Agreement, a one-sided plan to benefit the largest corporations in the world at the expense of American workers and farmers, and the expense of Central American workers, farmers, and small businesses.

Every trade agreement negotiated by this administration has been ratified by Congress within 65 days of the President's signing it. CAFTA has languished in Congress for nearly 1 year without a vote because this wrong-headed trade agreement offends both Republicans and Democrats.

Just look at what has happened with our trade policy in the last decade. In 1992, the year I was elected to Congress, we in this country had a $38 billion trade deficit. Today, 12 years later, our trade deficit is $618 billion. From $38 billion, a dozen years later to $618 billion. It is clear our trade policy simply is not working.

Opponents to CAFTA know that simply it is an extension of the North

American Free Trade Agreement, which clearly did not work for our country. It is the same old story. With every trade agreement, the President promises more jobs for Americans, growth in manufacturing, more exports, raising the standard of living in the developing world, better wages for workers in the developing world. Every time it comes out differently.

The definition of insanity is doing the same thing over and over and over again and then expecting a different outcome.

Why will this trade agreement not work? Look at the average wages in the CAFTA countries. In United States the average wage is $38,000. El Salvador is $4,800. Honduras is $2,600. Nicaragua is $2,300. The average Nicaraguan worker is not going to buy cars made in Ohio. The Guatemalan worker is not going to be able to buy steel from West Virginia. The Honduran worker is not going to be able to buy software from Seattle or prime cuts of beef from Nebraska or textiles or apparel from North Carolina or South Carolina or Georgia.

This trade agreement is about giving big business what it wants: access to cheap labor. They cannot buy our goods; but American business can move its production, its companies, outsource them to Central America, and it costs us jobs. That is why, Mr. Speaker, there is such strong bipartisan opposition to the Central American Free Trade Agreement.

The administration is pulling out all stops because they know they are going to lose this vote. The administration has attempted to link CAFTA with helping democracy in the developing world and fighting the war on terror. Ten years of NAFTA has done nothing to improve border security between Mexico and our country. So that argument does not sell. Then last week the U.S. Chamber of Commerce flew on a Chamber of Commerce junket the six presidents from the CAFTA countries around our Nation, hoping they might be able to sell Americans and the U.S. press and Members of Congress on the Central American Free Trade Agreement, but again they failed. In fact, the Costa Rican president, after traveling the United States, announced his country simply would not ratify CAFTA unless an independent commission could determine that agreement will not hurt the poor and working families in his country.

Mr. Speaker, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House, majority leader, said there would be a vote on CAFTA within a year of the President's signing, that is, by Memorial Day, coming next week. As we can see by this calendar, we are barely a week away from that deadline, but still no vote in sight because there is simply not enough support for CAFTA. It is dead on arrival in this House.

Last month, two dozen Democrats and Republicans in Congress joined 150 business and labor groups saying no on CAFTA. Last week more than 400 union workers and Members of Congress gathered in front of the Capitol again saying no on the Central American Free Trade Agreement, because Republicans and Democrats, business and labor groups know what the administration refuses to admit, and that is that CAFTA is about one thing: it is about access to cheap labor and exploiting workers in the six CAFTA countries.

Congress must throw out this dysfunctional cousin of NAFTA and negotiate a trade agreement that will lift up workers in Central America while promoting prosperity here at home.

□ 2015

If we throw this agreement CAFTA out, and then negotiate a new central American Free Trade Agreement that really works for workers in both countries, we will know our trade policy is succeeding. Only when workers in the poor countries can afford to not just make American products, but also to buy American products, will we know that our trade policy has, in fact, succeeded.

The SPEAKER pro tempore (Mr. KUHL of New York). 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 Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

(Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE EFFECTS OF SOCIAL SECURITY REFORM ON OUR YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to talk before the House tonight, and I want to talk about an issue that has been discussed for a number of weeks and months, something that is of vital importance, I think, to all Americans, and that is the issue of Social Security and what do we do about it.

Now, the problem with Social Security, as everybody knows, is that it is a pay-as-you-go-system, which means that today's workers pay for today's retirees. It worked relatively well for a period of time. In 1950, there were 16 workers for every retiree, now there are 3.3 workers for every retiree, and in just a few short years there will be 2 workers for every retiree. So the demographics, the aging of our society dictate that we do something.

A lot of the talk has been about how does it affect seniors in our Nation. But I suggest to my colleagues that regardless of when you believe the problem or the situation or the crisis begins, or who you believe it affects, we cannot dispute this one fact, and that is that those most affected by it, regardless of when it happens or what happens, are the young people of this Nation. So I believe it is important for us to discuss and debate Social Security reform and how it will affect all sectors of our society, but we must, we must make certain that we talk about how it will affect young folks.

Now, in my district, what I did to try to listen to the young people of our Nation was to get together what is called a Youth Summit, and I set up a meeting with about 95 or 100 high school juniors and seniors in my district from all different schools, including Woodstock High School, Harrison, Kell, Lassiter, Etowah, Marietta High School, North Cobb, Pope, Sprayberry, Walton, Blessed Trinity, Centennial, Milton, North Spring, Riverwood, Roswell, and The Cottage School and Alpharetta High School, about 100 high school students, and sent them a bunch of material beforehand so they knew what we were talking about. The funny thing was a lot of them had great information about it before.

We gathered together for about 4 hours one morning and we talked about Social Security, and I challenged them to come up with some solutions and answer some questions. But when I started, I brought out this Social Security statement. This is a real Social Security statement, it came from the Social Security Administration, and this is what all of us get when we open up our mail from the Social Security Administration. It says, ''Unless action is taken soon to strengthen Social Security, in just 14 years we will begin paying more in benefits than we collect in taxes.'' That was how we started as the premise.

I was extremely impressed by the knowledge and the intelligence of these young folks. We broke into different groups and assigned them questions. Now, they could take any question that they wanted, but we kind of prompted a few. We talked about discussing the benefits or the distractions or problems with personal accounts, and we asked them to answer the question: what is the best way to fix Social Security and, even the more fundamental question, do you believe that Social Security needs to be fixed, and asked them to talk about how personal retirement accounts, voluntary accounts have worked in other countries.

Then we got back together after they had worked for a period of time on those questions, and asked each of those groups to present their findings. It really was fascinating, but there was one common theme. There was a common theme to all of their conclusions, and that was that there is a major problem, every one of them believed

that. There was not a single soul who said that we ought not to anything, and that that problem ought to be addressed, and that it is the responsibility, obviously, of Congress to get it done. There were a couple of tongue in cheek suggestions about what we ought to do with folks over 65, but those were purely for humorous effect at the meeting.

There was the common theme that we needed to fix it, and all of their suggestions had merit, but some of them I would like to point out. They talked extensively about personal retirement accounts, talking about putting more money in personal retirement accounts when they are younger because they would have a greater opportunity to increase; some of them thought we ought to increase the age of retirement but, when they get closer to that, I suspect they will not believe that. They spoke about not increasing the 12.4 percent tax. There was an interesting conclusion or recommendation that education on retirement plans ought to be mandatory in high school. Education on retirement plans ought to be mandatory in order to graduate from high school, they said. I thought that was an interesting item; probably something that we ought to take up. Then one final point that they made, and that was that people ought not rely on just Social Security for their main source of income in their retirement years.

Now, Mr. Speaker, we tend to get distracted here. We talk about different ages, we talk about those over 55, and I think it is important for everybody to appreciate that those over 55 will not be affected at all. Those youngest individuals in our society will be those most affected.

I challenge our colleagues to follow the lead of the high school students in my district who said, get down to business, put politics aside, and do not wait. That is good advice from those individuals who are most affected by whatever changes we bring about.

STEM CELL RESEARCH: EMBRYONIC VERSUS ADULT

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I rise this evening because I fear that a number of good people will make a bad decision in the coming weeks. What is worse is I fear they will be making this decision based on a plethora of false information, and that is why I am here this evening.

There is an abundance of misinformation, exaggeration, and blatant lies being spread by interest groups regarding the prospects for embryonic stem cell research. The first misconception is that embryonic stem cell research is not legal. The fact is, embryonic stem cell research is completely legal. Research on embryonic stem cells has taken place for years.

But what has this research produced? Nothing. While adult stem cells have treated over 58 diseases in human patients, embryonic stem cells have not treated even one patient. Adult stem cells have had success in treating debilitating and fatal illnesses without compromising ethical standards. Embryonic stem cells have treated nothing while, at the same time, destroying human life.

So why in the world would anyone support the unethical, failed use of embryonic stem cells instead of the ethical, successful use of adult stem cells? Because they do not know the difference. That is why, Mr. Speaker, I want to share some very important information tonight. If and when the American public learns the scientific facts, and I want to stress ''scientific facts'' regarding stem cell research, the ethical questions will not matter as much.

Now, I had the good fortune today to hear a talk by Dr. Robert P. George, who is the McCormick Professor of Jurisprudence in the Department of Politics at Princeton University in Princeton, New Jersey. Not all of the information that I am sharing with you tonight came from Dr. George, but he gave an outstanding talk sponsored by the Wilberforce Forum as a part of the Majority Leader's lecture series, 2005. The title of his talk was ''Embryonic Stem Cells: Ethical Boundaries, and Possible Ways Forward.''

I want to use some material that I have also received related to the definition of stem cells, and some of the research that has been produced in this area by Dr. Tadeusz Pachotczyk who has done post doctoral work at Massachusetts General Hospital at Harvard Medical School after he earned his PhD in neuroscience from Yale University. What is a stem cell? I used to teach, and I always believed that you start with the basics when you are teaching. So let us start with the definition. What is a stem cell?

A stem cell is essentially a blank cell capable of becoming another, more differentiated cell-type in the body, such as a skin cell, a muscle cell or a nerve cell. Why are stem cells important? Stem cells can be used to replace or heal damaged tissues in cells in the body. There are two broad classes of stem cells. The two basic types of stem cells are embryonic type and adult type. Embryonic stem cells and embryonic germ cells make up the embryonic type. Umbilical cord stem cells, placental stem cells, and adult stem cells make up the adult type.

Now, where do embryonic-type stem cells come from? They come from embryos. Embryonic stem cells are obtained by harvesting living embryos which are generally five to seven days old. The removal of embryonic stem cells invariably results in the destruction of the embryo. Another type of stem cell called an embryonic germ cell can be obtained from either miscarriages or aborted fetuses.

Now, where do adult type stem cells come from? They come from umbilical chords, placentas, and amniotic fluid. Adult-type stem cells can be derived from various pregnancy-related tissues, or they come from adult tissues. In adults, stem cells are present within various tissues and organ systems. These include the bone marrow, liver, epidermis, retina, skeletal muscle, intestine, brain, dental pulp, and elsewhere. Even fat obtained from liposuction has been shown to contain significant numbers of adult-type stem cells, and I am going to refrain from making any jokes about that tonight. Cadavers. Neural stem cells have been removed from specific areas in postmortem, human brains as late as 20 hours following death.

Now, there are people who believe that embryonic stem cells have a great deal more to offer than adult stem cells. Let me say a little bit about what embryonic stem cells bring that adult stem cells do not. They do seem to be very flexible and to have the potential to make any cell. And, there is a lot of availability, so we are told, with embryonic stem cells from in vitro fertilization clinics, although there is some debate about exactly how many there are.

What are some of the disadvantages of embryonic stem cells? They are very difficult to differentiate uniformly and homogeneously into a target tissue. It is extremely difficult to get them to do exactly what we want them to do. Immunogenic. Embryonic stem cells from a random embryo donor are likely to be rejected after transplantation. They just do not work as well. They are capable of forming tumors or promoting tumor formation. This is one of the major drawbacks of embryonic stem cells.

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And, of course, the most important disadvantage of embryonic stem cells is that they result in the destruction of human life.

Now, let us talk a little bit about the advantages of adult stem cells. Special adult-type stem cells from bone marrow and from umbilical cords have been isolated recently which appear to be as flexible as the embryonic type. They are already somewhat specialized, so inducing them to go into a certain area may be much simpler.

They are not immunogenic; recipients who receive the products of their own stem cells will not experience immune reaction. This is extremely important. Relative ease of procurement. Some adult stem cells are easy to harvest: the skin, muscle, marrow, fat, while others may be more difficult to obtain, brain stem cells.

Umbilical and placental stem cells are likely to be readily available. More and more people are being encouraged now, when they have babies, to save the umbilical and placental cells and store them for possible later use.

Adult stem cells tend not to form tumors. And there is absolutely no harm done to the donor when we harvest adult stem cells. Now, what are the disadvantages? Let us be fair. There are some. There is a limited quantity of them. They can sometimes be difficult to obtain in large numbers.

They may not live as long as embryonic stem cells in a culture. And they may be a little bit less flexible, with the exception again of bone marrow and umbilical cord ones.

Now, why are adult stem cells preferable to embryonic stem cells? Adult stem cells are a natural solution. They naturally exist in our bodies, and they provide a natural repair mechanism for many tissues of our bodies. They belong in a microenvironment of an adult body, while embryonic stem cells belong in the microenvironment of the early embryo, not in an adult body where they tend to cause tumors and immune system reactions.

Most importantly, adult stem cells have already been successfully used in human therapies for many years. And let me just say, some of the therapies that adult stem cells have been used for, they have treated brain cancer. Embryonic stem cells have not.

Adult stem cells have treated breast cancer, they have treated ovarian cancer, adult stem cells have treated testicular cancer. Embryonic stem cells have not.

Adult stem cells have treated leukemia, Crone's disease, anemia, stroke, Parkinson's disease. Embryonic stem cells have not been able to treat any of these diseases, not any of them.

It is really important that people understand the difference in the two types of cells. I support the President's position on what to do with embryonic stem cells. I think the President has come up with a very carefully thought-out position on this issue. And this is where we need to stay.

The people who are pushing the use of embryonic stem cells say they want something to salvage from the cryo stage because they will be destroyed or kept in limbo. That does not have to happen. Once we begin to use embryonic stem cells for treatment, we are crossing the Rubicon in terms of ethical issues. We cross an ethical barrier when we do that because we are destroying one life for another.

Those embryos are human beings and should not be treated as research subjects. We would never kill to harvest body parts because of the principle of human dignity.

We do not even do this with our most heinous criminals. We do not treat them as things. We treat them with dignity until the time that they die.

We have a terrible situation with people promoting the destruction of embryos for stem cell research. And I thought it would be interesting tonight to remind us of what the Declaration of Independence says. This is the Declaration of Independence that unfortunately too few young people read or understand in our society anymore.

And I will just read the beginning of it: ''When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the Earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.''

And this is the part of the Declaration that if anybody knows the Declaration of Independence at all, this is the part that they know: ''We hold these truths to be self-evident, that all men are created equal. That they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.''

That to secure these rights governments are instituted among men, deriving their just powers from the consent of the government.

It is extremely important that we not lose sight of what founded this country, and the basic principle of life which is enunciated in the Declaration of Independence. We have to come down to understanding what is a human being. Scientists will say that an embryo is a human being. It is internally self-directed. And I want to say some more about that.

Because what happens with an embryo is nobody has to do anything to it from the outside. It is a human being at the embryonic stage. And it internally self-directs itself to grow and to develop into a person that then is born after the cells divide and divide and divide.

We are not talking about a religious issue only. For some people this is a fundamental religious issue, and it should be. But it is also a scientific issue. All human beings have profound human dignity. And, again, never, never in our society have we stooped so low as to sacrifice some human beings for others.

There is not a single therapeutic trial going on in the United States right now using embryonic cells, no clinical trial. There are lots and lots and lots of trials going on using adult cells.

There is private money going into this research, but the President has said we will not use government money; we will not tax the people of this country, many of whom are so opposed to this issue to do something which they find so abhorrent. Now, there is money going into research. Private money. Where is that money going?

It is going into the research for adult cells. That should tell us a lot. People think that that is where the payoff is going to be. People do not invest their money in things that they do not think is going to pay off.

And it is very, very important that we not be persuaded to use government money, our money, taxpayers' money to go into something that not only holds very, very little promise for any kind of results, but is so abhorrent again to so many of our people.

Now, I want to share with you some success stories about adult stem cell research. Laura Dominguez had a spinal cord injury. As a result of a car accident in 2001, she broke her neck and was paralyzed from the chest down. She was treated with a mix of adult stem cells and other cells obtained from olfactory tissues inside her own nose.

The cells were transplanted across the injury site and her damaged spinal cord; and several months after the surgery, she was able to move her foot. She now walks with braces. Her remarkable progress is continuing, and several other spinal cord injury patients like her are also showing benefits from the transplant surgery.

Patrizia Durante was diagnosed with acute leukemia 6 months into her pregnancy. Her daughter, Victoria Angel, was born healthy; but Durante was given only 6 months to live. The stem cells from the blood of her daughter's umbilical cord were used for a transplant. Several years later, Durante is in full remission.

Durante told reporters she saved her mommy. She is a little miracle. That is why we named her Victoria Angel. She is my little angel.

There are many, many examples of people who have been treated and treated extremely well with adult stem cells. Again, I want to say that we are stepping into dangerously uncharted territory when we begin the practice, or if we begin the practice of destroying one life to try to help another life.

It is an ethical Rubicon that we should not be crossing. And, again, I know that many people are doing this because they are concerned. They have members of their family who are diabetic, they have members of their family who have Parkinson's disease, or they know people who have diseases and they want to do something to help them.

I urge them to study this issue very, very carefully and make sure that they understand the differences between what is happening with adult stem cell research and embryonic stem cell research. And I feel certain that those people will make the right decision, and they will not vote to use money to destroy human embryos and go in that direction when we do not have to, because we have the means to save lives and improve the quality of life with adult stem cells.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Ms. PELOSI) for today after 7:30 p.m. and the balance of the week on account of official travel.

Mr. LUCAS (at the request of Mr. DELAY) for today after 4:00 p.m. and

the balance of the week on account of family commitments.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, May 25.

Mr. POE, for 5 minutes, May 19.

Mr. OSBORNE, for 5 minutes, May 19.

Mr. GINGREY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 19, 23, 24, and 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 19, 2005, at 9:00 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1985. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pinene Polymers; Exemption from the Requirement of a Tolerance [OPP-2005-0110; FRL-7710-3] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1986. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Red Cabbage Color; Exemption from the Requirement of a Tolerance [OPP-2004-0361; FRL-7711-7] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1987. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethyl Ether; Exemption from the Requirement of a Tolerance [OPP-2005-0109; FRL-7711-4] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1988. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alternaria destruens Strain 059; Exemption from the Requirement of a Tolerance [OPP-2005-048; FRL-7708-3] received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1989. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerance [OPP-2005-0095; FRL-7711-9] received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1990. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethenamid; Pesticide Tolerance [OPP-2005-0118; FRL-7713-4] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1991. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Vice Admiral Henry G. Ulrich III, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1992. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Robert D. Bishop, United States Navy, to wear the insignia of the grade of lieutenant general in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1993. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Christopher A. Kelly, United States Navy, to wear the insignia of the grade of lieutenant general in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1994. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral John D. Stufflebeem, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1995. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William R. Looney, United States Navy, to wear the insignia of the grade of general in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1996. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Michael A. Hamel, United States Navy, to wear the insignia of the grade of lieutenant general in accordance with title 10,United States Code, section 777; to the Committee on Armed Services.

1997. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Solvent Cleaning Operations Using Non-Halogenated Solvents [R03-OAR-2005-VA-0006; FRL-7913-5] received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1998. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky: Inspection and Maintenance Program Removal for Jefferson County, Kentucky; Source-Specific Nitrogen Oxides Emission Rate for Kosmos Cement Kiln [R04-OAR-2004-KY-0002-20051 ; FRL-7914-5] received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1999. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA-309-0475a; FRL-7901-9] received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2000. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [OAR-2002-0034; FRL-7911-8] received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2001. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing [OAR-2002-0035; FRL-7911-6] (RIN: 2060-AM10) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2002. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [OAR-2003-0178; FRL-7911-1] (RIN: 2060-AM72) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2003. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Pharmaceuticals Production [OAR-2004-0023; FRL-7911-3] (RIN: 2060-AM52) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2004. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emissions Standards for AIM Coatings [VA151-5085; FRL-7910-1] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2005. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; State of Washington; Spokane Carbon Monoxide Attainment Plan [WA-01-003; FRL-7906-3] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2006. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Metropolitan Washington D.C. 1-Hour Ozone Attainment Demonstration Plans [RME NO. R03-OAR-2004-DC-0010; FRL-7910-4] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2007. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from AIM Coatings [MD-166-3112; FRL-7910-2] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2008. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland and Virginia; Non-Regulatory Voluntary Emission Reduction Program Measures [R03-OAR-2004-MD-0001; R03-OAR-2004-VA-0005; FRL-7909-9] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [R04-OAR-2004-GA-0002-200504(a); FRL-7909-3] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for AIM Coatings [R03-OAR-2004-DC-0007; FRL-7909-8] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2011. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; 1-Hour Ozone Attainment Plans, Rate-of-Progress Plans, Contigency Measures, Transportation Control Measures, VMT Offset, and 1990 Base Year Inventory [RME NO. R03-OAR-2004-DC-0009, R03-OAR-2004-DC-0010; FRL-7910-3] received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Transportation Conformity Rule Amendments for the New PM2.5 National Ambient Air Quality Standard: PM2.5 Precursors [Docket No. OAR-2003-0049; FRL-7908-3] (RIN: 2060-AN03) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2013. A letter from the Supervisory Human Resources Specialist, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2014. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2015. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2016. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2006 (Rept. 109–85). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee on Appropriations. H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–86). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 287. A resolution providing for consideration of the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–87). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GORDON (for himself, Mr. SHIMKUS, and Ms. ESHOO):

H.R. 2418. A bill to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services; to the Committee on Energy and Commerce.

By Mr. HOBSON:

H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. HOLT, Mr. FATTAH, Ms. WOOLSEY, Mr. MICHAUD, Mr. RAHALL, Mr. SERRANO, Ms. LEE, Ms. MOORE of Wisconsin, Mr. CONYERS, Mr. HINCHEY, Ms. MCKINNEY, Mr. DAVIS of Illinois, Mr. STARK, Mr. OWENS, Mr. HONDA, Ms. WATERS, Mr. MCGOVERN, Mr. JACKSON of Illinois, Ms. WATSON, Mr. FILNER, Ms. BALDWIN, Mr. GRIJALVA, Mr. MEEKS of New York, and Mr. MCDERMOTT):

H.R. 2420. A bill to preserve the cooperative, peaceful uses of space for the benefit of all humankind by prohibiting the basing of weapons in space and the use of weapons to destroy or damage objects in space that are in orbit, and for other purposes; to the Committee on Science, and in addition to the Committees on Armed Services, and International Relations, 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 Mrs. BONO (for herself and Ms. DEGETTE):

H.R. 2421. A bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. DELAHUNT):

H.R. 2422. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. CRAMER, Mr. BLUNT, Mr. CANTOR, Mr. DAVIS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mr. SHIMKUS, Mr. GENE GREEN of Texas, Mr. KING of New York, Ms. MILLENDER-MCDONALD, Mr. BURTON of Indiana, Mr. BRADLEY of New Hampshire, Mr. ROYCE, Mr. MILLER of Florida, Mr. MEEKS of New York, Ms. HARRIS, Mr. FOSSELLA, Mr. CHANDLER, Mr. RAMSTAD, Mr. MCCAUL of Texas, Mr. SIMMONS, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. FORD, Mr. ROSS, Mr. MCKEON, Mrs. KELLY, Mr. ROGERS of Alabama, Mr. KENNEDY of Minnesota, Mr. BONNER, Mr. CARDOZA, Ms. GRANGER, Mr. EVERETT, Mr. DENT, Mr. BOUSTANY, Mr. PEARCE, Mr. BOYD, Mr. CASE, Mr. DAVIS of Alabama, Mr. SMITH of New Jersey, Mr. MOORE of Kansas, Mr. MCCOTTER, Mr. TIAHRT, Mr. POMEROY, Mr. BACHUS, and Mr. CANNON):

H.R. 2423. A bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 2424. A bill to extend the temporary suspension of duty on 11–Aminoundecanoic acid; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 2425. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. PETRI, Ms. HART, Mr. JINDAL, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. FEENEY, and Mr. SOUDER):

H.R. 2426. A bill to establish the Supportive Communities Helping Offer Opportunities for Learning Program and to allow an income tax credit for contributions to qualified scholarship granting organizations; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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 Ms. HERSETH:

H.R. 2427. A bill to postpone the 2005 round of defense base closure and realignment; to the Committee on Armed Services.

By Mr. HINCHEY (for himself and Mr. BASS):

H.R. 2428. A bill to provide for the protection of the last remaining herd of wild and genetically pure American Buffalo; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. HOYER, Mr. OWENS, Mr. BROWN of Ohio, Mr. NADLER, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. HOLT, Ms. KILPATRICK of Michigan, Mr. HINCHEY, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mr. INSLEE, Mr. CAPUANO, Ms. BERKLEY, Mr. DICKS, Mr. WYNN, Mr. RANGEL, Ms. SLAUGHTER, Ms. WOOLSEY, Ms. WATERS, Mr. SERRANO, Mr. KILDEE, Ms. WATSON, Mrs. JONES of Ohio, Ms. DELAURO, Mrs. MALONEY, Ms. SOLIS, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. WEINER, Mr. MCDERMOTT, Mr. ALLEN, Mr. ABERCROMBIE, Ms. MCCOLLUM of Minnesota, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. MARKEY, Mr. MICHAUD, Mr. BACA, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. OLVER, Mr. WEXLER, Mr. UDALL of New Mexico, Mr. DELAHUNT, Mr. CLAY, Mr. STARK, Mr. EVANS, Ms. KAPTUR, Mr. MENENDEZ, Mr. SABO, Mr. ROTHMAN, Mr. WU, Mr. LYNCH, Mr. SANDERS, Mr. CARNAHAN, Mr. WATT, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. HONDA, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. CUMMINGS, Mr. ACKERMAN, Mr. OBEY, Mr. LEVIN, Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. KUCINICH, Mr. DOGGETT, Ms. ESHOO, Mr. ENGEL, Ms. LEE, Mr. SHERMAN, Mr. GUTIERREZ, Mr. LANTOS, Mr. MCNULTY, Mr. ANDREWS, Mr. DAVIS of Illinois, Ms. MATSUI, Mr. PRICE of North Carolina, Mr. CARDIN, Mr. HINOJOSA, Mr. KANJORSKI, Ms. SCHWARTZ of Pennsylvania, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. RYAN of Ohio, and Mr. SCOTT of Virginia):

H.R. 2429. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage;to the Committee on Education and the Workforce.

By Mr. MOLLOHAN:

H.R. 2430. A bill to extend the duty reduction on ethylene/tetrafluoroethylene copolymer (ETFE); to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 2431. A bill to suspend temporarily the duty on 1,10 Diaminodecane; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2432. A bill to reduce temporarily the duty on Crelan (self-blocked cycloaliphatic polyuretdione); to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2433. A bill to suspend temporarily the duty on Aspirin; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2434. A bill to extend the suspension of duty on Baytron C-R; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2435. A bill to extend the suspension of duty on Baytron M; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2436. A bill to temporarily suspend the duty on Baytron and Baytron P; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2437. A bill to suspend temporarily the duty on Desmodur BL XP 2468; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2438. A bill to suspend temporarily the duty on Hydrazine Hydrate; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2439. A bill to suspend temporarily the duty on certain flame retardant plasticizers; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2440. A bill to suspend temporarily the duty on Baypure DS; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2441. A bill to extend the temporary suspension of duty on BOPA; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2442. A bill to extend the temporary suspension of duty on Thionyl Chloride; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2443. A bill to extend the temporary suspension of duty on Ammonium Bifluoride; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2444. A bill to suspend temporarily the duty on Bayowet C4; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2445. A bill to extend the temporary suspension of duty on PHBA; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2446. A bill to extend the temporary suspension of duty on Mondur P; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2447. A bill to extend the temporary suspension of duty on P-Phenylphenol; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2448. A bill to extend the temporary suspension of duty on DEMT; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2449. A bill to extend the temporary suspension of duty on Bayowet FT–248; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2450. A bill to extend the temporary suspension of duty on PNTOSA; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2451. A bill to extend the temporary suspension of duty on Baysilone Fluid; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2452. A bill to reduce temporarily the duty on Desmodur; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2453. A bill to suspend temporarily the duty on Desmodur HL; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 2454. A bill to suspend temporarily the duty on D-Mannose; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2455. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 2456. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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. SANDERS (for himself, Mr. MANZULLO, Mrs. MALONEY, Mr. ROHRABACHER, and Ms. LEE):

H.R. 2457. A bill to amend the Community Reinvestment Act of 1977 to allow community reinvestment credit for investments and other financial support to enable employees to establish certain employee stock ownership plans or eligible worker owned cooperatives; to the Committee on Financial Services.

By Mr. SHADEGG (for himself, Mr. OTTER, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. KOLBE, Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. BARTLETT of Maryland, Mr. KUHL of New York, Mr. PAUL, Mr. HOEKSTRA, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. BACHUS, Mr. TIAHRT, Mr. COX, Mr. MILLER of Florida, Mrs. MUSGRAVE, and Mr. GOODE):

H.R. 2458. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS:

H.R. 2459. A bill to extend the temporary suspension of duty on yarn of combed Kashmir (cashmere) and yarn of camel hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2460. A bill to extend the temporary suspension of duty on certain yarn of carded Kashmir (cashmere); to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2461. A bill to extend the temporary suspension of duty on certain Kashmir (cashmere) hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2462. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2463. A bill to suspend temporarily the duty on waste of camel hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2464. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2465. A bill to suspend temporarily the duty on woven fabric containing vicuna hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2466. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2467. A bill to extend the temporary suspension of duty on fine animal hair of Kashmir (cashmere) goats; to the Committee on Ways and Means.

By Mr. SIMMONS:

H.R. 2468. A bill to suspend temporarily the duty on noils of camel hair; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 2469. A bill to extend temporarily the duty suspension on certain semi-manufactured forms of gold; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 2470. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Rules, 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. TIBERI (for himself, Mr. CHANDLER, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. JENKINS, Mr. CAMP, Mr. MCHUGH, Mr. NEY, Mr. WALSH, Mr. TURNER, Mrs. NORTHUP, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. COOPER, Mr. MCINTYRE, Mr. TAYLOR of Mississippi, Mr. CASE, Ms. HERSETH, Mr. HOLDEN, Mr. MELANCON, Mrs. TAUSCHER, Mr. ROSS, Mr. TANNER, Mr. BOSWELL, Ms. HARMAN, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. SALAZAR, and Mr. DUNCAN):

H.R. 2471. A bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 2472. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the amount of wages in excess of the contribution and benefit base, to extend the pay-as-you-go requirement of the Balanced Budget and Emergency Deficit Control Act of 1985, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, 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. NEUGEBAUER:

H. Con. Res. 156. Concurrent resolution condemning irresponsible and inaccurate journalism, expressing condolences to the victims and families of the victims of the riots in the Islamic Republic of Pakistan and in the Islamic Republic of Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. SHAYS (for himself and Ms. SLAUGHTER):

H. Con. Res. 157. Concurrent resolution recognizing the artistic excellence and community value of America's 1800 orchestras; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. HINCHEY, Mr. OWENS, Ms. LEE, Mr. HONDA, Mr. MCGOVERN, Mr. GRIJALVA, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. FARR, Ms. SOLIS, Ms. MCCOLLUM of Minnesota, Mr. ABERCROMBIE, Mr. HOLT, Ms. BALDWIN, Mr. EMANUEL, Mr. DEFAZIO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. OLVER, Mr. PAYNE, Mr. RANGEL, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. WATERS, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. BLUMENAUER, Mr. CLAY, Mr. HASTINGS of Florida, Mr. MARKEY, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. SANDERS, Ms. MCKINNEY, Mr. BROWN of Ohio, Mr. TIERNEY, Ms. CARSON, Mr. NEAL of Massachusetts, Mrs. MALONEY, and Ms. NORTON):

H. Con. Res. 158. Concurrent resolution calling for the adoption of a Sensible, Multilateral American Response to Terrorism (SMART) security platform for the 21st century; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself, Mr. KING of New York, and Ms. LEE):

H. Res. 286. A resolution expressing the sense of the House of Representatives on promoting initiatives to develop an HIV vaccine; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. OSBORNE and Mr. SNYDER.

H.R. 22: Mr. GEORGE MILLER of California and Mr. BISHOP of Georgia.

H.R. 94: Mr. HOLDEN.

H.R. 111: Mrs. DAVIS of California and Mr. PRICE of North Carolina.

H.R. 136: Mr. HEFLEY.

H.R. 226: Mr. CUMMINGS.

H.R. 305: Mr. CALVERT.

H.R. 356: Mr. SODREL, Mr. MURPHY, Mr. MARCHANT, Mrs. MILLER of Michigan, and Mr. HERGER.

H.R. 371: Mr. ROSS.

H.R. 376: Mr. PASTOR, Mr. LARSEN of Washington, Ms. PELOSI, and Ms. MATSUI.

H.R. 421: Mr. CUMMINGS.

H.R. 535: Mr. CARDOZA.

H.R. 554: Mr. GOHMERT.

H.R. 558: Ms. HARRIS and Mr. GONZALEZ.

H.R. 583: Mr. YOUNG of Alaska.

H.R. 596: Mr. TANCREDO, Mr. AKIN, and Mr. WEXLER.

H.R. 602: Mr. CLEAVER, Mr. MORAN of Kansas, and Ms. MATSUI.

H.R. 625: Mr. MILLER of North Carolina.

H.R. 670: Mr. FOSSELLA.

H.R. 676: Mr. PASTOR, Mr. GUTIERREZ, and Mr. FRANK of Massachusetts.

H.R. 700: Ms. SCHAKOWSKY.

H.R. 745: Ms. GINNY BROWN-WAITE of Florida.

H.R. 759: Mr. BERMAN and Mr. LIPINSKI.

H.R. 764: Mr. SANDERS.

H.R. 800: Mr. SHERWOOD and Ms. HARRIS.

H.R. 810: Mr. MICHAUD.

H.R. 839: Ms. ESHOO and Ms. ROYBAL-ALLARD.

H.R. 887: Mr. VAN HOLLEN and Mr. LANGEVIN.

H.R. 925: Mr. MARCHANT and Mr. DEFAZIO.

H.R. 933: Mr. UDALL of New Mexico.

H.R. 944: Mr. SESSIONS and Mr. SANDERS.

H.R. 998: Mr. JENKINS and Mr. GERLACH.

H.R. 1002: Mr. TIERNEY, Mr. CRAMER, and Ms. KILPATRICK of Michigan.

H.R. 1043: Mr. OTTER.

H.R. 1063: Mr. ROGERS of Kentucky.

H.R. 1092: Ms. FOXX.

H.R. 1105: Mr. PLATTS.

H.R. 1124: Mr. WOLF.

H.R. 1126: Mr. UDALL of Colorado.

H.R. 1201: Mr. KILDEE.

H.R. 1204: Mr. AL GREEN of Texas and Mr. MICHAUD.

H.R. 1217: Ms. MATSUI.

H.R. 1229: Mr. FEENEY, Mr. BISHOP of Utah, and Mr. HOSTETTLER.

H.R. 1241: Mr. WILSON of South Carolina.

H.R. 1272: Mr. RAMSTAD and Mr. LEWIS of Kentucky.

H.R. 1295: Mr. HENSARLING.

H.R. 1299: Mr. BISHOP of Georgia.

H.R. 1310: Mr. THOMPSON of Mississippi.

H.R. 1329: Ms. WOOLSEY and Mr. KENNEDY of Rhode Island.

H.R. 1352: Mr. LAHOOD, Mr. DICKS, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. WAMP, Mr. PETERSON of Pennsylvania, Ms. NORTON, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Ms. VELÁZQUEZ, Ms. HERSETH, Ms. WOOLSEY, and Mrs. MALONEY.

H.R. 1373: Mr. RYAN of Ohio, Mr. MCDERMOTT, and Mr. BARTLETT of Maryland.

H.R. 1426: Mr. ISRAEL, Ms. HERSETH, and Mr. BAIRD.

H.R. 1499: Mr. BLUNT, Mr. PLATTS, Mr. MCHENRY, Mr. HERGER, Mr. GILCHREST, Mr. LEWIS of Kentucky, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, and Mr. GIBBONS.

H.R. 1526: Mr. ROTHMAN, Mr. HINCHEY, and Mr. GRIJALVA.

H.R. 1547: Mr. HAYWORTH.

H.R. 1554: Mr. OLVER.

H.R. 1585: Ms. HARRIS.

H.R. 1591: Ms. SCHAKOWSKY and Mr. LIPINSKI.

H.R. 1592: Mr. FILNER and Ms. SCHAKOWSKY.

H.R. 1602: Mr. DENT and Mr. WELDON of Florida.

H.R. 1607: Mr. MORAN of Kansas and Mr. LEWIS of Kentucky.

H.R. 1637: Ms. MCCOLLUM of Minnesota.

H.R. 1642: Mr. KING of Iowa and Mr. FEENEY.

H.R. 1644: Mr. FALEOMAVAEGA.

H.R. 1652: Mr. KIND, Mr. LARSEN of Washington, Mr. AL GREEN of Texas, and Mr. ALLEN.

H.R. 1663: Mr. CALVERT and Mr. MENENDEZ.

H.R. 1671: Mr. ISRAEL, Mr. ROSS, Mr. WEXLER, and Ms. ROYBAL-ALLARD.

H.R. 1696: Mr. DAVIS of Tennessee and Mr. THOMPSON of California.

H.R. 1770: Mr. JONES of North Carolina.

H.R. 1774: Ms. CARSON, Mr. FORD, Mr. BRADY of Pennsylvania, Mr. CLEAVER, Mr. ENGEL, Mr. AL GREEN of Texas, and Mrs. KELLY.

H.R. 1792: Ms. SCHAKOWSKY and Mr. SANDERS.

H.R. 1798: Mr. MENENDEZ.

H.R. 1814: Mr. CONYERS, Mr. GORDON, Mr. CAPUANO, Ms. LEE, and Mr. KUCINICH.

H.R. 1898: Mr. BAKER, Mr. ALEXANDER, Mr. FORBES, and Mr. ROGERS of Alabama.

H.R. 1957: Mr. GILLMOR and Mr. BRADY of Texas.

H.R. 1973: Mr. KIND and Mr. WALSH.

H.R. 1986: Mr. BRADLEY of New Hampshire, Mr. BAKER, and Mr. GINGREY.

H.R. 1996: Ms. LEE, Mr. BLUMENAUER, Mr. WEXLER, and Mr. ALLEN.

H.R. 2046: Mr. FOLEY, Mr. SANDERS, Mr. GRIJALVA, and Mr. SCHIFF.

H.R. 2061: Mrs. BLACKBURN, Mr. JONES of North Carolina, Mr. LAHOOD, Mr. HOSTETTLER, Mr. MARCHANT, Mr. BEAUPREZ, Mr. THORNBERRY, Mr. MORAN of Kansas, Ms. HART, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2112: Mr. BOEHNER, Mr. GALLEGLY, Mr. THOMAS, Mr. ROGERS of Michigan, Mr. FERGUSON, Mr. DANIEL E. LUNGREN of California,

Mr. ROYCE, Mr. CUNNINGHAM, Mr. KIRK, and Mr. KING of Iowa.

H.R. 2131: Mr. DOYLE, Ms. MILLENDER-MCDONALD, and Mr. PASTOR.

H.R. 2233: Mr. EVANS.

H.R. 2237: Mr. MARKEY and Mr. HOLT.

H.R. 2238: Mr. DOYLE and Mr. BOYD.

H.R. 2291: Mr. DOGGETT.

H.R. 2306: Mr. REYES.

H.R. 2323: Mr. BROWN of Ohio, and Ms. LEE.

H.R. 2327: Mr. HYDE, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. FARR, Mr. GUTIERREZ, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Ms. KILPATRICK of Michigan, Ms. ZOE LOFGREN of California, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. BAIRD, Ms. ROYBAL-ALLARD, Mr. FILNER, Mr. STARK, Mr. MICHAUD, and Mr. BRADY of Pennsylvania.

H.R. 2331: Ms. WATSON, Mr. DAVIS of Illinois, and Mr. OWENS.

H.R. 2332: Mr. MICHAUD.

H.R. 2350: Mr. GONZALEZ.

H.R. 2358: Mrs. DRAKE.

H.R. 2412: Mrs. DAVIS of California, Mr. TIERNEY, and Mr. ALLEN.

H.J. Res. 12: Mr. FATTAH, Mr. THOMPSON of California, Mr. GRIJALVA, Mr. WATT, Mr. PETERSON of Minnesota, and Mr. MEEK of Florida.

H. Con. Res. 70: Mr. CULBERSON.

H. Con. Res. 85: Mr. REYES, Mr. MARSHALL, and Mr. WATT.

H. Con. Res. 90: Mr. PASTOR and Mr. OLVER.

H. Con. Res. 149: Mr. MEEK of Florida, Mr. KING of New York, Mr. DAVIS of Alabama, Mr. GALLEGLY, Mr. LINDER, Mr. ETHERIDGE, Mrs. MALONEY, Ms. MATSUI, Mr. BEAUPREZ, Mr. GERLACH, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. MCNULTY, Mr. ROTHMAN, Mr. MICHAUD, Mr. LOBIONDO, Mr. FORBES, Mr. FITZPATRICK of Pennsylvania, Mr. KENNEDY of Minnesota, Ms. WASSERMAN SCHULTZ, and Mr. SHERMAN.

H. Con. Res. 153: Mr. COX, Mr. SOUDER, Mr. ROTHMAN, and Mrs. MALONEY.

H. Res. 121: Mr. BISHOP of New York.

H. Res. 191: Mr. CARDOZA, Mr. SCHIFF, Ms. BERKLEY, Mr. CROWLEY, Mr. ENGEL, Mr. WEXLER, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Mr. ACKERMAN, Mr. BERMAN, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. WOLF, Mr. WEINER, Mrs. MALONEY, Mr. VAN HOLLEN, and Ms. SCHAKOWSKY.

H. Res. 215: Mr. SOUDER and Mr. MCCRERY.

H. Res. 243: Mr. GILLMOR, Mr. DEAL of Georgia, Mr. TANNER, and Mr. SAXTON.

H. Res. 251: Mr. LIPINSKI and Mr. CALVERT.

H. Res. 259: Mr. OXLEY, Ms. WATSON, Mr. SERRANO, Mr. OWENS, Mr. DANIEL E. LUNGREN of California, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SCOTT of Georgia, Mr. LEACH, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. RANGEL.

H. Res. 277: Mr. KING of New York, Mr. PRICE of Georgia, Mrs. JO ANN DAVIS of Virginia, and Mr. SULLIVAN.

H. Res. 279: Mr. TOWNS, Mr. BERMAN, Mrs. MALONEY, Mr. WAXMAN, Mrs. NORTHUP, and Mr. MCNULTY.

H. Res. 282: Mr. BERMAN, Mr. CHANDLER, and Mr. MENENDEZ.

H. Res. 284: Mr. ROHRABACHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1526: Mr. JINDAL.

H.J. Res. 23: Mr. CARNAHAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2361

OFFERED BY: MR. STUPAK

AMENDMENT NO. 5: 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 finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled ''National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions'', dated November 3, 2003 (68 Fed. Reg. 63042).

H.R. 2361

OFFERED BY: MR. BEAUPREZ

AMENDMENT NO. 6: In title III of the bill under the heading ''WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFER OF FUNDS)'', insert after the first dollar amount on Page 76 the following ''(increased by $27,500,000)''

Insert after the first dollar amount on page 77 ''(increased by $27,500,000)''

In title III of the bill in the item relating to ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'', insert after the first dollar amount on Page 106 the following ''(reduced by $30,000,000)''

H.R. 2361

OFFERED BY: MR. CHABOT

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used for the designing or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

(b) Subsection (a) shall not apply with respect to a forest development road for which construction is initiated before the date of the enactment of this Act.

H.R. 2361

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 8: 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 promulgate regulations without outside auditing to determine the authenticity of the scientific methods used to develop such regulations.

H.R. 2361

OFFERED BY: MR. POMBO

AMENDMENT NO. 9: At the end of the bill (before the short title) add the following new section:

SEC. ____. The funds appropriated in this Act under the following headings are available only to the extent provided for in authorizing legislation enacted before the date of the enactment of this Act or on or after such date:

(1) ''Bureau of Land Management—Range Improvements''.

(2) ''United States Fish and Wildlife Service—Resource Management''.

(3) ''United States Fish and Wildlife Service—Cooperative Endangered Species Conservation Fund''.

(4) ''United States Fish and Wildlife Service—Neotropical Migratory Bird Conservation''.

(5) ''United States Fish and Wildlife Service—Multinational Species Conservation Fund''.

(6) ''National Park Service—Historic Preservation Fund''.

(7) ''United States Geological Survey—Surveys, Investigations, and Research''.

(8) ''Bureau of Indian Affairs—Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians''.

(9) ''Indian Health Service—Indian Health Services''.

(10) ''Indian Health Service—Indian Health Facilities''.

(11) ''Executive Office of the President—Council on Environmental Quality and Office of Environmental Quality''.

H.R. 2361

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 10: Page 45, line 16, after the first dollar amount, insert the following: ''(increased by $15,000,000)''.

Page 106, line 9, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

H.R. 2361

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $261,591,250.

H.R. 2361

OFFERED BY: MR. FILNER

AMENDMENT NO. 12: In title I, in the item relating to ''UNITED STATES GEOLOGICAL SURVEY—SURVEYS, INVESTIGATIONS, AND RESEARCH'', insert after the first dollar amount the following: ''(decreased by $10,000,000)''.

In title II, in the item relating to ''STATE AND TRIBAL ASSISTANCE GRANTS'', insert after the first dollar amount the following: ''(increased by $10,000,000)''.

In title II, in the item relating to ''STATE AND TRIBAL ASSISTANCE GRANTS'', insert after the fifth dollar amount the following: ''(increased by $10,000,000)''.

H.R. 2361

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 13: Page 68, line 14, insert ''(increased by $2,000,000)'' after ''$95,500,000''.

Page 69, line 4, insert ''(reduced by $2,000,000)'' after ''$1,153,300,000''.

Page 69, line 14, insert ''(reduced by $2,000,000)'' after ''$52,000,000''.

H.R. 2361

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 14: Page 53, line 24, after the period insert the following: ''This section shall not apply on and after any date on which the Energy Information Administration publishes data (as required by section 57 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790f)) demonstrating that net imports of crude oil account for more than two-thirds of oil consumption in the United States.''.

H.R. 2361

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 15: At the appropriate place in the act, insert the following new section: Sec. XX ''None of the funds contained in this act may be used to enforce section 105 of this act if the Energy Information Agency publishes data (as required by section 57 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790f)) demonstrating that net imports of crude oil account for more than two-thirds of oil consumption in the United States.''.

H.R. 2361

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 16: Page 53, beginning at line 18, strike section 105.

H.R. 2361

OFFERED BY: MR. GRIJALVA

AMENDMENT NO. 17: Page 64, line 17, after the dollar amount, insert the following: ''(increased by $1,903,000) (decreased by $1,903,000)''.

H.R. 2361

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 18: Page 63, after line 6, insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''United States Fish and Wildlife Service__landowner incentive program'', and increasing the amount made available for ''National Park Service__land acquisition and State assistance'', by $20,000,000.

H.R. 2361

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 19: Page 2, line 15, after the dollar amount insert ''(reduced by $1,075,000)''.

Page 3, line 7, after the dollar amount insert ''(reduced by $1,075,000)''.

Page 10, line 25, after the dollar amount insert ''(increased by $1,075,000)''.