the Department of Labor issued a ''Training and Employment Guidance Letter'' that unilaterally changed the eligibility criteria for Title V. Instead of discounting certain forms of income like veterans' compensation, Social Security Disability Insurance, unemployment compensation, and a portion of traditional Social Security benefits, the new regulation mandated inclusion of that income, thus making fewer seniors eligible for vital services.

It would be inconsistent to state that the program targets persons with greatest economic need and persons who are disabled, and then use their Social Security income or disability benefits to exclude them from participation. It would also be a mistake to hold someone's service in the Armed Forces against them in determining their eligibility for employment assistance. The amendment that I offered in the Education and the Workforce Committee restores the eligibility criteria to the pre-2005 levels, and it was unanimously agreed to. I thank Chairman MCKEON and the rest of the committee for their help and cooperation on this issue.

Further I have advocated for Naturally Occurring Retirement Communities, NORCs, to be included in the legislation. NORCs supported by the older Americans act would provide technical assistance to target supportive services to assist the millions of older adults living in naturally occurring retirement communities throughout the country to maintain their independence and quality of life.

NORC supportive service programs are intended to increase efficiencies in the delivery of services to large populations of older adults living on their own and to reduce redundancies in the delivery of those services. They are also intended to empower older adults, and the communities within which they live, to determine the types of programs and services that they wish to receive—thus building supportive and responsive communities.

For millions of older adults, NORCs are becoming the retirement homes of choice and necessity. According to AARP, upwards of one-third of the older adult population is living in a NORC setting. With the retirement of the baby boomers only a few years away, and, according to AARP, the intention of Americans 45 and older to age in place in similar fashion, we can expect NORC and NORC-like communities to grow in abundance.

I am pleased the bill authorizes the Assistant Secretary to support efforts underway to develop innovative models providing for the efficient delivery of services to communities where older individuals are aging in place such as NORCs.

Mr. Speaker, the Seniors Independence Act of 2006 reauthorizes vital services for some of the most vulnerable Americans, and those in greatest need. I rise in support of this legislation and I urge its passage by this body.

Mr. TOWNS. Mr. Speaker, today I rise in strong support of the reauthorization of the Older American Act of 2006. For the past 40 years, millions of senior citizens have benefited from the support and nutritional services provided by this law which promotes the dignity and independence of older people and meet the challenges associated with the aging.

Seniors are the fastest growing population group in the United States. In 2000, there were an estimated 35 million people age 65 and older, representing about 13 percent of the population. It is predicted that by 2030, this number will double to 70 million people; and about 20 percent, or 1 in 5 Americans, will be age 65 and older. According to the New York State Office for the Aging, the 60 and older population will grow by 40 percent over the next 30 years due, in large part, to the influx of baby boomers. As the elderly population increases, more services will be required to ensure their independence.

I will continue to ensure that necessary funds are allocated, so that New York is not penalized because of the redistribution of funds to ''high growth'' States. We must not allow meals and services to be taken away from elderly people in one State to give to elderly people in another State.

I hope my colleagues will join me in preserving this much-needed program for American seniors everywhere.

Mr. MCKEON. Mr. Speaker, I submit for the RECORD the following correspondence between Chairman BILL THOMAS of the Committee on Ways and Means and myself.

SEPTEMBER 28, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing in regard to H.R. 6197, the ''Older Americans Act Amendments of 2006,'' which was referred to the Committee on Education and the Workforce and is scheduled for floor consideration on Thursday, September 28, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act. Section 203 of the bill impacts the Social Security Administration and the U.S. Department of Health and Human Services, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 6197, 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.

SEPTEMBER 28, 2006.

Chairman BILL THOMAS,
Committee on Ways and Means, Longworth HOB, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your recent letter regarding the consideration of H.R. 6197, the ''Older Americans Act Amendments of 2006, Section 203 of the bill establishes the Interagency Coordinating Committee on Aging to improve coordination among agencies with responsibility for programs and services for older individuals. The coordinating committee impacts the Social Security Administration and the U.S. Department of Health and Human Services, and thus falls within the shared jurisdiction of our two committees.

I appreciate your assistance in expediting the consideration of this bill and your willingness to forgo action on this bill. I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Ways and Means and I support your request for conferees on those provisions within your committee's jurisdiction. Finally, I will include your letter and this response in the Congressional Record during consideration of H.R. 6197 on the House floor.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 6197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6197.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. PUTNAM (during consideration of H.R. 6197), from the Committee on Rules, submitted a privileged report (Rept. No. 109–696) on the resolution (H. Res. 1052) providing for consideration of the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. KING of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4954) to improve maritime and cargo security through advanced layered defenses, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Thompson of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4954 be instructed to agree to the

following provisions of the Senate amendment:

(1) Title V (relating to the Rail Security Act of 2006).

(2) Title VI (relating to the National Alert System).

(3) Title VII (relating to mass transit security).

(4) Title IX (relating to improved motor carrier, bus, and hazardous material security).

(5) The following sections of title XI:

(A) Section 1101 (relating to certain TSA personnel limitations not to apply).

(B) Section 1102 (relating to the Rural Policing Institute).

(C) Section 1103 (relating to evacuation in emergencies).

(D) Section 1104 (relating to health and safety during disasters).

(E) Section 1116 (relating to methamphetamine and methamphetamine precursor chemicals).

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct 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 clause 7 of rule XXII, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

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

Mr. Speaker, I rise today in support of this motion to instruct conferees. By passing this motion, we will ensure that the House conferees take seriously our Nation's efforts to secure the national transportation infrastructure.

We have seen a lot of piecemeal legislation coming out of the House of Representatives. Just last week, Republicans tried to shortchange the American people on border security by authorizing a fence without sufficient funds to build it. Some folks seem to think that piecemeal legislation will do just fine in time for the election. We have a chance here today to ensure that piecemeal and politics do not prevail over security and doing what is right by the American people.

We have the choice: we can partially secure or fully secure the national transportation infrastructure. This choice should be a no-brainer. That is why I encourage this body to support this motion to instruct. This motion incorporates many of the important security measures passed by the Senate, but neglected by the House.

Among other things, Mr. Speaker, this motion would instruct conferees to support improvements to security for America's seaports and mass transit and rail systems. We know about the very real threat to our rail and mass transit systems. We remember what happened in Tokyo, Mumbai, London, and Spain. We mourn the hundreds of innocent civilians that have been killed and wounded by terrorist attacks on a major rail system.

But despite all of this, Mr. Speaker, the 109th Congress has not adequately focused on rail and public transportation security. Similarly, the administration has not yet accepted that rail and public transportation is a Federal responsibility.

At a congressional hearing on March 29, Tracey Henke of DHS told Members of Congress that ''aviation security by law is a Federal responsibility. That is not the case for transit security.'' Quite simply, this administration has flawed vision of securing America.

The Senate has offered us a way to solve some of these issues, and the sensible thing to do is to support these solutions. It helps our communities for Congress to support vulnerability assessments for freight and passenger rail transportation.

It is good policy to require the submission of prioritized recommendations for improving rail security in a report to Congress. It makes good sense for the government to use this information as a basis for allocating grants and establishing security improvement priorities, and it makes sense to study the costs and feasibility of required security screening for passengers, baggage, and cargo on passenger trains.

It is also good for our Nation's security, Mr. Speaker, to create a rail security R&D program to improve freight and intercity passenger rail security. It makes sense to reduce the vulnerability of train stations and equipment to explosives and hazardous chemical, biological and radioactive substances.

Democrats, Mr. Speaker, offered many of these provisions in the Rail and Public Transportation Security Act of 2006, and I am glad to see that they found their way to the floor today.

Another transportation mode that we should instruct conferees on is aviation security. London officials thwarted the terrorist plot to destroy 10 planes bound for this country. Next time we might not be so lucky. We know that aviation remains a major target for terrorists, so we should absolutely ensure that the House conferees do not ignore improvements to aviation security. Anything less would shortchange our communities and their safety.

This motion to instruct, Mr. Speaker, would instruct conferees to retain language adopted in the Senate that will ensure that TSA has enough screeners to keep our aviation system secure.

□ 1700

There is little justification for an arbitrary 45,000 screener cap. Such a cap ties the hands of TSA just as it is trying to expand its activities in the airport to include behavioral recognition and the checking of identification against boarding passes. TSA should not be boot-strapped by this arbitrary cap.

The Senate approach of dealing with this issue is an important one that we should accept.

In sum, Mr. Speaker, this motion instructs conferees to take a total and complete approach to transportation and maritime security. Mr. Speaker, we cannot continue to piecemeal security legislation. Just as we can't secure our borders with a small fence, we can't secure our homeland without focusing on all major threats. But how can we go back to our constituents and say we didn't secure America's transportation system when we had a chance? This body can do better, and this motion will make sure we put America's security first. I urge all Members to support it.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to instruct. But let me say at the outset that I commend the gentleman from Mississippi for the cooperation he has given throughout this legislative process.

I want to commend Ms. HARMAN, Ms. SANCHEZ, and certainly Mr. LUNGREN, who are the prime movers of this legislation at the subcommittee and committee level.

Several points have to be made. The first is port security bill is completed. None of the items referenced by the gentleman from Mississippi relate to port security. Port security matters have been resolved.

Among other things, the port security legislation will provide $400 million in grants for U.S. ports.

It requires scanning of all containers coming to the U.S. for radiation at the Nation's 22 top ports, which covers 98 percent of containers entering the United States.

It sets a firm timetable for implementing the Transportation Worker Identification Card, TWIC, and requires a pilot program to scan 100 percent of cargo at three foreign seaports. Using the results of this pilot, the bill requires a widespread implementation.

Mr. Speaker, many of the items or a number of the items referenced in the motion to instruct, taken by themselves, many Members on this side, including myself, would agree to. Also, for instance, with reference to title 6 in the National Alert System, we have reached agreement on that, and that will be included in the final legislation.

On matters such as 1103, that is redundant in certain respects with the FEMA reforms which have been already approved by the conference committee and are included in the Homeland Security appropriations bill. There are other matters such as section 1104, which I strongly support and I am still hoping can be included in the final package. We are working toward that, and we are negotiating. There are other items also that are still on the table and we are trying to find accord on.

Having said that, I think it is important to note, for instance, with the

transportation provisions that they even added on to the port security bill and yet in some cases they can be redundant. It should be noted, for instance, that through the transit security grant we have provided $375 million to the country's rail, mass transit, ferry, and inner city bus systems across the country and this year voted to appropriate $200 million in grants specifically targeting mass transit agencies. Since 9/11, we granted more than $11 billion, $11.5 billion, in homeland security assistance. Much of this has gone to transit.

The point is, Mr. Speaker, if there were more time, there are a number of these items which I could support, I know many members of the committee on our side could support, but we cannot allow the perfect to be the enemy of the good.

We have a port security bill. Those of us who went through the trauma of Dubai Ports know the way the country came to a fevered pitch, and rightly so, over the issue of our Nation's security. We have addressed that. We passed legislation on this floor by a vote of 421–2, legislation that was worked on at a tremendous pace by Mr. LUNGREN, Ms. HARMAN, Ms. SANCHEZ. That went through. It was a truly bipartisan effort.

We have now reached the one-half yard line on that legislation. Let us not allow other issues, as important as they may be, to stop us from getting across the goal line with port security, comprehensive port security legislation which the American people have asked for. They demand it.

We have satisfied that request. This is excellent legislation. It is bipartisan legislation. We should be all proud of it. Let us not allow other issues to impede that, especially when a number of those issues I believe still can be resolved. But we don't want to, again, put the final product in jeopardy.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentlewoman from California, an original person promoting port security, Ms. HARMAN.

Ms. HARMAN. I thank the gentleman for yielding and commend him for his enormous leadership as ranking member on the Homeland Security Committee. I am proud to serve on that committee.

Mr. Speaker, nearly 6 months ago, I stood here with our colleagues and called the passage of H.R. 4954 by a vote of 421–2 a legislative miracle. I stand by those words today.

Mr. LUNGREN and I co-authored the SAFE Port Act, and from the beginning it has been a collaborative and comprehensive effort, both bicameral and bipartisan. It has been, and I hope it will continue to be, an example of how Congress should work. I appreciate this bipartisan approach to port and container security, and I am gratified that this issue is finally getting the attention it deserves.

Thanks should also go to the ranking member of the full committee, Mr. THOMPSON; the ranking member of the subcommittee, Ms. SANCHEZ; the chairman of the full committee, Mr. KING; and Chairman LUNGREN of the subcommittee, who showed by working together that the Homeland Security Committee is becoming a very significant committee in this Congress.

But this is not the time, Mr. Speaker, to congratulate ourselves and rest on our laurels. It is the time to take the steps to make a law. And in the last days of the last week before we recess for this election, we have a chance to do that, but only if we compromise with the other body.

As you heard from Mr. THOMPSON, this motion to instruct encourages us to take provisions in the other bill that reach for rail, mass transit, aviation, and related transportation modes beyond layered container security.

I know, as the representative of residents around the Ports of L.A. and Long Beach, the largest container port complex in the country, that those containers go onto a semi-submerged rail bed and go all over the country. I know that my constituents use all these other modes of transportation. They know that they need to be safer, and that by reaching for responsible provisions in the Senate version of this bill, as this motion instructs us to do, we will get a law. We will also do what we came here to do and what this week of debate on various security bills was supposed to be about, and that is work together to make America safer.

Mr. KING of New York. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to the motion to instruct, not because I disagree with the intent of the gentleman from Mississippi nor the other speakers on the other side, but rather, let's not screw up a good deal.

We have worked very hard on a bipartisan basis to bring forth a major piece of legislation dealing with an area of the country that needs to be addressed, and that is port security. The name of the bill is the Safe Ports Bill. The Senate retained our number, retained the name; the guts of our bill is in this conference report that I believe we will complete before the end of today. And if we instruct conferees in this regard, frankly, we complicate the effort to reach a final conclusion.

I am concerned about the area of rail and mass transit security. As a matter of fact, I held a hearing in our subcommittee today at the request of the ranking member, Ms. SANCHEZ, and the ranking member of the full committee, Mr. THOMPSON. I thought it was a good bipartisan examination of a number of issues that are out there.

Some have suggested that the very fact that we had that hearing may have prompted some action on the part of DHS to put further attention to these areas. I was very proud of the fact that on a bipartisan basis we approached that issue, and we will continue to approach that issue, and I hope that we will continue in a bipartisan spirit to complete this action.

As the gentleman from New York, the chairman of the full committee, has said, we are close to the goal line right now. It has been a lot of hard work by a lot of people on a bipartisan basis, starting with our staffs about a year ago. We reached across the aisle, and when we reached across the aisle we were met with open hands by the other side. We have worked together to complete a comprehensive response to the threat that exists or the vulnerability that exists at our ports.

It is natural that, when you are attacked by air, that you initially respond to the area of attack. But we are 5 years after 9/11. We are 5 years past the time when we can say that we don't know or didn't know or don't know now of the vulnerabilities that exist with respect to our ports.

This is a major piece of legislation. This will be, when completed, a major achievement; and all I would say to my friends on the other side is, please join us ultimately in supporting this overall bill, as you have to this point.

We will ask for a defeat of this motion to instruct not because of the spirit in which it is offered but because of the complications that it will create and the difficulties that will ensue. If you want to have a viable response to the concerns that have been raised about port security, vote against this motion to instruct so that we can get to the business of completing our action during our conference later today, so we can bring to the floor of this House within the next 24 hours a completed bill, a bill that started in the House of Representatives, a bill that remains in the contours of what will be presented to the conference today, the guts of the bill that passed this House 421–2.

When you have something that passes the House 421–2 you ought to learn to accept ''yes'' for an answer. This is a great piece of work that is going to be presented. It doesn't answer all the questions, but moves us in the proper direction. It puts into law or will put into law many of the things that were first started with this administration but which are not in law, which are not mandatory, which are not permanent, and it extends those. And ideas from both sides of the aisle were put into this bill and will come out of this conference when we complete action.

So while I rise in opposition to the gentleman's motion to instruct, I do so in the spirit of cooperation that, once we get past this and once we get to the conference and once we come back with our completed conference report, we can all join together with another near unanimous vote for a safe ports piece of legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 3 minutes to the

gentlewoman from Orange County, California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Mr. THOMPSON. Thank you for all of your guidance and help in getting this bill to the point where it is, and also to Chairman KING. This was done in a very bipartisan manner. I also want to thank the chairman of the subcommittee where I am the ranking member, which would be Mr. LUNGREN. And I rise in support of the Democratic motion to instruct conferees on H.R. 4954, the SAFE Port Act.

Now, why would we have a motion to instruct that would include things about freight and about mass transit and surface transportation security? Well, the reason is that the Senate side is taking up those issues; and they are good issues.

I mean, look how long it took us to get here to do port security. We should be just as concerned to do rail security, mass transit security, surface transportation security. As Ms. HARMAN said, when you get done with the port, the container keeps going through the neighborhood on trucks, it goes through in freight through the railroad tracks. So it doesn't stop at the port. We need to do it all.

For example, today we held a hearing, as Chairman LUNGREN said, on a very important issue, the training for the security of transportation employees. Not the ones at the airport where we have done a lot of training, we have put a lot of money, but the ones for busses, mass transit, railroad, freight workers.

□ 1715

Mr. Speaker, this was a very important hearing because things have happened on buses and trains, like Madrid and London. We need to ensure that transit and rail employees receive adequate training on how to recognize and report potential threats; how to protect themselves; and how to help us, the passengers, if there is a disaster going on; how they would respond in an incident.

And there are other provisions in this motion to instruct: establish a national alert response system to ensure that populations are alerted if there is a serious threat; require the Department of Homeland Security to perform vulnerability assessments of freight and passenger rail and make recommendations on how to improve their security; and establish a program to increase the tracking and communications technology on trucks that carry hazardous materials.

These are some of the critical issues that this motion to instruct encompasses. So all of this work, Mr. THOMPSON, Ms. HARMAN, myself, Mr. LUNGREN, Mr. KING, is very important, and I am thrilled we are at this point.

But we can add more, and it will be good. We cannot wait another 5 years like we did with port security. We should do it now. I urge my colleagues to support improving rail, mass transit, surface transportation, and port security. Please vote for the motion to instruct.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member for his leadership.

Mr. Speaker, I rise today in strong support of the Democratic motion to instruct conferees on the SAFE Port Act. The Republican leadership has failed to fix the Department of Homeland Security's grant system which just this week failed to provide the port of Oakland in California, the fourth busiest port in the country in the heart of the Bay Area, with any money at all to protect this vital national security and economic security asset.

The most recent round of port security grant awards demonstrates the agencies' continued ignorance of the security needs of our Nation's ports, and the lack of a credible threat assessment by which to award funds.

Of course, should we be surprised? This is the same agency that identified Old McDonald's Petting Zoo as a vulnerable national asset, but left the Empire State Building off the list as a logical target in need of funding support.

We cannot do enough to protect our critical infrastructure in the United States; but without Ranking Member THOMPSON's motion to instruct, we will be leaving glaring vulnerabilities in our rail, subway, bus, and trucking systems.

The Republican leadership has had many opportunities to address these issues, separate and apart from ports legislation, but it has failed to take our Nation's domestic security seriously.

Today, through the motion to instruct, the House has the ability to show our absolute commitment to the safety and security of Americans who use our Nation's vital transportation systems. We should follow the leadership of the other body to secure our Nation's rail and transit systems, strengthen aviation security, secure the border, create a national warning and alert system, and provide first responders with post-disaster health monitoring.

By supporting the Democratic motion to instruct conferees, we will get it right; and we will instruct the conferees to accept the Senate positions on these important issues. We should not let this opportunity to do better, to strengthen security, and assist first responders pass us by.

Please support the Democratic motion to instruct.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

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

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of this motion to instruct conferees. As co-chair of the Congressional Port Security Caucus and a member of the Permanent Select Committee on Intelligence, I cannot stress enough the importance of adequately securing our ports.

The proposed sale of shipping operations to Dubai Ports World earlier this year was a wake-up call for this country, not because it would have jeopardized shipping operations here on the ground. Our longshoremen, terminal operators, Coast Guard, Customs and Border Patrol will do a great job no matter what company manages shipping operations. The Dubai deal was an eye opener because it did just that, it put the spotlight on our ports and showed the vulnerabilities that America could no longer ignore. The UAE spends a huge amount of money on securing its Dubai ports, and their ports are the safest in the world. The Dubai ports are safe because of the money invested in their ports and because they make their ports a priority.

We have not paid sufficient attention to our ports. We have not made our ports a priority. There are 539 ports in this country, making them an economic engine for America. The Port of Baltimore, which I represent, alone handles about 400,000 containers each year. A major event at a port would result in economic damages ranging from $58 billion to $1 trillion.

With so much at stake for our safety and economy, it is essential that we know what is coming in through our ports, where it came from, and who is sending it. Ironically, Dubai Ports World's failed attempt to take over shipping operations here in America was what finally got our country to focus on securing our ports. The SAFE Port/GreenLanes bill is a critical piece of legislation and a bipartisan effort. It is a comprehensive first step to make our ports safer. We must make port security a high priority.

I strongly support moving this bill through Congress.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his excellent work on this legislation.

I rise in support of the motion to instruct conferees offered by Mr. THOMPSON.

Mr. Speaker, the 9/11 Commission determined that the risk of maritime terrorism is at least as great if not greater than the risk of terrorism involving civilian aviation. We know that terrorists around the world want to obtain a nuclear bomb. We know that their plot includes an attempt to purchase a nuclear bomb in the former Soviet Union,

to transport that nuclear bomb to a port around the world, to place that nuclear bomb in a container on a ship, and then to bring that container on that ship to a port in the United States where that nuclear bomb can be detonated by remote control before that nuclear bomb is ever taken off that ship.

The majority is happy that they are going to screen once they reach the port in the United States. By then it is too late. The bomb can be detonated while it still is on the ship. That is our nightmare scenario. And that is something that the majority Republican Party has refused to put in place as a protection against this ultimate al Qaeda attack upon our country.

They support screening after it reaches the United States. They support having a demonstration project around the world. But as late as 2 days ago in the Homeland Security Committee hearing, Secretary Chertoff once again repeated the Bush administration policy, the Republican policy, that they do not support the mandatory screening of all cargo for nuclear bombs overseas, which is the 9/11 Commission report finding, that that is where the protection should be put in place.

So that is our problem. What we will do is we will have a ship with a container in Africa, in Europe, in Asia, and one of those containers will have had a nuclear bomb slipped into it. And then that ship, because there is no scanning for nuclear bombs around the world, that ship then heads for a port in the United States.

We would not be talking about losing 3,000 people or 5,000 people. We would be talking about losing tens or hundreds of thousands of Americans in that nuclear explosion.

If we don't scan for a nuclear bomb overseas, we can't be sure. If we don't scan and seal these containers overseas, then the United States will have to once again reinstitute a policy of duck and cover here in America with Americans learning how to protect themselves in the event of a nuclear bomb.

The bomb is not going to be delivered by an airplane or some submarine attack. Al Qaeda doesn't have that kind of capacity. This is the way in which the nuclear bomb is most likely to come into our country. It is an opening that is too big. It should be closed. The Republican majority just wants to use paperwork screening. It is almost like saying that they are going to check everyone of us at an airport in the United States, but having checked our paperwork they say, Get on the plane, you don't have to let us look at your bags. You don't have to show us your bags, take off your shoes, go right on the plane. Get on the plane. Thanks for showing us your paperwork.

We in America will never be happy with that, but that is what their policy is for nuclear bombs. Show us the paperwork. We are not going to actually check the inside of the container. We are not going to screen; we are not going to scan. We are going to screen your paperwork; we are not going to screen the container.

Can you imagine that as a policy for airlines in the United States? We are going to screen your paperwork before you get on the plane, but not screen you or your bags or computer to make sure that you are not going to blow up the plane. It just won't happen post-9/11.

Here is the huge opening. This is something that the Republican administration continues to listen too closely to the cargo industry and the shipping industry rather than to the real security interests of the American people.

I thank the gentleman from Mississippi for his leadership on these issues.

Mr. KING of New York. Mr. Speaker, I will just make several remarks before I reserve the balance of my time.

With reference to the gentleman from Massachusetts, unfortunately nothing he said in his statement relates to the motion to instruct. If he had read our bill and read the motion to instruct, he would know that nothing he said was germane to the motion to instruct.

Secondly, as to the issue of bipartisanship and 100 percent screening, I would also advise the gentleman that the language that is adopted in the SAFE Ports Act which is going to conference was the language proposed by Democrats in the Senate which provides for three pilot projects of 100 percent screening at three foreign ports. So we are adopting Democratic language. We had one in ours, and they had three in theirs. We are accepting the three. To me that is the essence of bipartisanship.

With that, I would have to dismiss the comments of the gentleman from Massachusetts.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for a very instructive motion to instruct.

I would say to the chairman that we have worked together on this committee as best that we could in a bipartisan manner.

But let me tell you why I think this motion to instruct is particularly important. And I was drawn to the floor, I had a bill on the floor and several meetings, at the same time as several committee hearings that had to do with rail security. I believe the Committee on Homeland Security, of which I am a member, knows that this is an important issue. But we are operating against a backdrop of a Department that questions whether or not this is an important challenge that we have to face.

I respect, Mr. THOMPSON, the fact that the leadership of our Department may have a different view from us.

□ 1730

But the Secretary recently said in the last year that the truth of the matter is that a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people, but a bomb in a subway may kill only 30. I do not know how many of us are experts on the type of bomb or the type of transit that may be impacted, but I think that narrow view of rail security brings us to where we are today. That is why this motion to instruct is so important, because we have an atmosphere and a sense at the Homeland Security Department that rail security or the devastation that could occur by attacking, whether it is Amtrak or whether it is a subway or some other form of rail, that it is not serious.

Let me tell you why it is serious. I live in Houston, Texas, and the symbol for Houston is the crossing of two railroads. We are a railroad town, and that means that all throughout my district and all throughout my neighborhoods are railroad tracks that then have the opportunity for a cargo train or a passenger train to travel right next to a residential house. My husband might not care for me to say it, but he says he went to sleep with the railroad ring in his ears because his original home was near the railroad tracks.

So this motion to instruct is crucial to save lives, because it would authorize $3.5 billion for a mass transit security grant program and $1.2 billion for freight and passenger rail security.

Why can't we take the Senate bill? There are large populations that are impacted by rail transportation and/or cargo. The Assistant Secretary for Homeland Security told Congress just in March of this year that aviation security by law is a Federal responsibility. That is not the case with transit security. And he ends it at that.

But homeland security is a Federal responsibility; and, therefore, I would argue that the reasonableness of the distinguished gentleman from Mississippi's motion to instruct is an important step towards recognizing that rail and mass transit can be vulnerable. And I cite which has already been cited: Worldwide terrorist attacks on trains average 30 per year. The 9/11 Commission noted that rail and mass transit are particularly vulnerable, and our workers on mass transit are saying that as well.

So I simply want to applaud the gentleman and ask that my colleagues support this and realize that we have a challenge and that the reason why Congress has to act is because we need to instruct the Executive that we do have a problem because leadership at the Homeland Security Department has

said, one, ''It's not my job.'' We have heard that. And, two, ''Don't worry about it; only two or three are going to be lost.''

Well, I would simply say to my good friends at the Homeland Security Department, come to Houston, Texas, and weave your way through neighborhoods that are at the high economic level and low, and you will find that it would result in a terrible, horrific tragedy, Mr. Speaker, if there was a rail catastrophe.

I ask my colleagues to support the motion to instruct to provide real rail security.

I rise in strong support of the Motion to Instruct Conferees to accept the Senate amendments to H.R. 5494 the "SAFE Port Act." I particularly wish to thank the gentleman from Mississippi, Mr. THOMPSON, the Ranking Member of the Homeland Security Committee, for introducing this important and much needed motion.

The SAFE Port Act, H.R. 4954, was reported out by the Homeland Security Committee and passed by the House in May of this year. On balance, the SAFE Port Act is a good bill but it only addresses port and shipping container security. The Senate bill contains similar port security provisions, but also includes several provisions which will have the salutary effect of substantially enhancing the safety and security of America's rail, subway, buses and trucking systems. The Senate bill also strengthens aviation security, border security, and creates a National Warning and Alert System which provides first responders with post-disaster health monitoring.

Mr. Speaker, the House Republican Leadership has had many opportunities to address these security issues, but it has failed to do so. The time for action has long since passed. We need a new direction. We need a new approach. It is time for action and a new approach. The Senate bill is a bipartisan step in the right direction. We should take advantage of this opportunity to strengthen security and assist first responders. The final Conference Report should reflect the Senate's positions on rail, mass transit, and border security; and warning and alert systems.

Mr. Speaker, unlike the House, the Senate approved an amendment that would authorize $3.5 billion for mass transit security grant programs and $1.2 billion for freight and passenger rail security. This is reason alone to instruct the Conferees to accede to the Senate position on mass transit and rail security.

America's rail and mass transit systems remain vulnerable on the watch of the House Republican leadership. We need a new direction. Consider the following: Worldwide Terrorist Attacks on Trains Average 30 Per Year; The 9/11 Commission Noted That Rail and Mass Transit Are Particularly Vulnerable; International Brotherhood of Teamsters (IBT) Found a Lack of Security Along Railroad Tracks and in Rail Yards Across the County; Mass Transit Becomes More Vulnerable to Terrorist Attack as Airline Security Improves.

RAIL SECURITY IN THE SENATE BILL

The Senate bill also advances the ball on meaningful rail security by requiring the Departments of Homeland Security and Transportation to conduct vulnerability assessments for freight and passenger rail systems. The bill authorizes $5 million in FY 2007 to carry out this requirement.

Without any requirements that these agencies conduct comprehensive reviews of rail security, how can we move in a meaningful direction to protecting America's rail systems?

This bill also authorizes for fiscal years 2007–2010 critical fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York City, New York ($470 million); Baltimore, Maryland ($47 million); and Washington, DC ($32 million). This money will be spent specifically on communication, lighting, and passenger egress upgrades. If a terrorist attack were to occur in these cities, it is vitally important that riders be able to successfully leave the tunnels—this could mean the difference between life and death.

The Senate bill authorizes $350 million for FY 2007 for security grants to freight railroad, Alaska Railroad, hazardous materials shippers and AMTRAK. This is badly needed funding and not just lip-service about rail security.

This bill also requires that hazardous material shippers create and implement threat mitigation plans to be reviewed by the Departments of Homeland Security and Transportation.

Research and development is also important component in making sure that our rail systems are secure. This bill authorizes $50 million in fiscal years 2007 and 2008. The money will be used to test new emergency response techniques and technologies; develop improved freight technologies; and test wayside detectors.

Rail employees are the vital eyes and ears of the system. They will be the first ones to know if there is a problem. However, they must be protected. The Senate bill provides them with whistleblower protections in order to ensure that they won't be penalized for reporting problems.

These are just some of the reasons I support the Motion to Instruct Conferees to accede to the Senate position on the SAFE Port Act, H.R. 5494. I urge my colleagues to join me. I yield back the remainder of my time. Thank you.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume to close on our side very briefly.

Mr. Speaker, I strongly oppose the motion to instruct. I strongly support the underlying bill.

The bottom line is we are in full agreement on a port security bill and that is what this is all about. It is a port security bill which would provide $400 million in port security grants. It sets up a risk-based formula for those grants. It establishes a domestic nuclear detection office. It sets up three pilot projects overseas with 100 percent scanning. It is a bipartisan bill. The underlying bill passed this House by a vote of 421–2.

We have carried it this far. Let us not let the perfect be the enemy of the good. I respect the gentleman. I respect his motion. But at this stage I say let us go on to the conference. Let us do what has to be done. Let us put an end to the entire crisis which resulted out of the Dubai Ports issue. Let us show the American people we can get the job done. Let us finish it. Let us go to conference.

With that I urge defeat of the motion.

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

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

This motion to recommit with instructions is clearly intended to make the bill better. We clearly have rail and safety issues still outstanding. What I have tried to prepare for Congress is an opportunity to get it right. Piecemealing is not the way to go. We absolutely can fix it right here, right now with this motion to instruct. If we do it, we can all go home feeling that America will be safer. If we don't, we leave substantial work yet to be done.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. THOMPSON).

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

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1052 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1052

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5825 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.