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

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

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

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill. The Chairman, Mr. ROGERS of Kentucky, yielded himself such time as he may consume.

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

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

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

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

The Department’s first full year of operations, the lead in developing our national Homeland Security strategy, implementation of that strategy requires the active participation of State and local governments and the private sector.

When it comes down to it, homeland security, Mr. Chairman, is essentially hometown security; and it requires the active engagement of all Americans and all branches of government.

The bill before us today recognizes the role each stakeholder must play in this big mission. It funds not only the Department of Homeland Security. It funds not only the Department of Homeland Security.

We have 150 oil refineries, 86,000 miles of crude oil pipelines, 278,000 miles of natural gas pipelines. There are 66,000 chemical and hazardous materials plants. There are 1,800 Federal reservoirs. There are 9,300 power plants, including some 463 skyscrapers in our land.

I mention those facts, Mr. Chairman, to highlight the enormous challenge that we face as we begin to tackle our homeland security needs. Protecting American citizens from harm is the first and foremost duty of the Federal Government, and this awesome task largely falls upon the shoulders of the Department of Homeland Security.

This bill, Mr. Chairman, provides $29.4 billion for the Department. That is an increase of just over $1 billion above what we asked by the President, and $535 million more than the current-year levels.

The bill recognizes that while the Department of Homeland Security has the lead in developing our national Homeland Security strategy, implementation of that strategy requires the active participation of State and local governments and the private sector.

As we debate this bill today, I urge my colleagues to remember everything that has been accomplished since September 11. While some might suggest that we are not doing enough, I would say we are making tremendous progress in our war on terror. The glass is not half empty; it is half full.

Since September 11, we have provided $7.3 billion for homeland security funding across the entire government. For these 22 agencies that now make up the new Department of Homeland Security, we have provided $43.9 billion through fiscal year 2003, and in this bill, we add an additional $29.4 billion, bringing the total provided to the Department to $73.3 billion for fiscal years 2002 through 2004.

Protecting the Nation’s borders is our first line of defense against terrorism. Our 12,000 miles of border, our 9,300 power plants, including some 463 skyscrapers in our land.

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Coast Guard homeland security activities. This bill makes innovative technology and capital investments a priority, recognizing that our borders will only be secure when we use a combination of people and technology.

Since September 11, 5,400 inspectors, specialists and Border Patrol agents have been added to our borders, increasing coverage at ports by 25 percent. An additional 4,100 Coast Guard personnel have been hired to protect our ports and our waterways, increasing the intensity and number of inspections at ports of entry. We will continue to inspect 100 percent of all high-threat cargo and high-threat vessels coming into our waters.

We include $388 million for port security grants. The $100 million included in this bill is another down payment to secure critical port facilities, bringing the total funding since 9–11 to $488 million.

Since September 11, we have provided $263 million for technology, including radiation detectors for our ports and nonintrusive inspection technologies for cargo screening. These technologies have been deployed at our busiest land and sea ports, including Miami, Los Angeles, and Newark, and in this bill we add another $120 million for those technologies, bringing the total since 9–11 to $392 million.

We provide $60 million for the Customs Container Security Initiative, fully funding that effort since its inception. We include $62 million for that program, bringing the total funding to $122 million to support the participation of nearly all of the 20 foreign megaports from which we receive practically all of our cargo. This initiative targets high-threat cargo before it comes into our ports.

We also place in the bill a high priority on funding our State and local first responders. I believe it is essential that our State and local governments have the tools to address gaps in the homeland security of our hometowns. We include $4.4 billion for our first responders, law enforcement officers, firefighters, and emergency response personnel. And since September 11, Mr. Chairman, I want all of my colleagues to hear this: since September 11, the Congress has appropriated $20.8 billion in assistance to our State and local governments for terrorism prevention and preparedness.

That, Mr. Chairman, is an increase of 1,000 percent before 9/11. Despite that significant investment, there are concerns about how and when this money gets to the field, and local organizations agree in some instances it is taking too long for those funds to get there and the complex process is complicated and cumbersome. We tried to address that in this bill. I am optimistic that this issue will be addressed as part of the final bill that is sent to the President for his signature.

Enhancing transportation security is a continuing concern. Since 9/11 we have provided a total of $10.38 billion for passenger safety through the Transportation Security Administration. Passenger screening, baggage screening, cargo screening, an additional $5.172 billion is included in this bill.

Since September 11, there has been an enormous investment in surveillance and detection systems, including the development, procurement and installation in our airports. We include in this bill an additional $355 million for the purchase and installation of these systems, as well as $50 million for air cargo safety and $40 million for research on next generation technologies at our airports.

Science and technology are critical to improving security, increasing efficiency and reducing costs. We include $900 million for science and technology, including $50 million, Mr. Chairman, to design develop and test any missile defense system for our commercial aircraft. Other funds are included for research, development and rapid deployment of innovative technologies that our universities and other public and private organizations are already developing.

Lastly, the $5.6 billion over 10 years to encourage commercial development and production of medical countermeasures against bioterrorism, the so-called BioShield program. Funding in fiscal year 2004 is limited to $890 million. These funds remove the barriers to develop next generation treatments for potential bioterror agents and will encourage the private sector to conduct the necessary research to counter bioterror threats.

Mr. Chairman, the bill before us today is the first Department of Homeland Security appropriations bill ever considered by these bodies. I believe it presents a well-balanced approach to tackling the job ahead. It invests in our people, our technology, partnerships. We invest in partnerships. It funds efforts to assess our vulnerabilities and capitalize on our assets.

A lot of people would want us to spend tons of more money, and believe me, if we thought it was useful to do so we would have no compunction against doing that. But there has got to be somewhere where we sensibly allocate our funds to our vulnerabilities and spend those dollars, but we should not spend money just for throwing it away.

I believe this bill is responsible, and I urge my colleagues to support this historic measure.

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

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

Mr. Chairman, first let me congratulate the gentleman from Kentucky (Chairman Rogers) on the first homeland security bill and congratulate him on a job well done and also add my thanks to the staff, both minority and majority, for their hard work in putting this historic measure together. We really do appreciate their efforts.

Mr. Chairman, I rise in support of the fiscal year 2004 Homeland Security appropriation bill. But I must say that in many ways I think it is premature for this bill to be the first appropriations measure brought to the floor. The Department is in serious disarray, and the committee received very little support from the Department in putting together this bill. In fact, many of the agencies transferred to the Department were prevented by the Department from providing responsive information to the subcommittee.

Hearings could not even be arranged for half of the largest and most important of the Department's 11 major agencies. Those four agencies constitute $9 billion, or 31 percent, of the Department's total budget. And I must say that that is an additional reason for thanking the staff, both minority and majority of this committee, for putting a bill together with the lack of information coming from the Department.

In some ways the current state of the Department of Homeland Security reminds me of the situation we faced 1 year ago and still face today with TSA. The management failures of TSA are well known, and I fear that the Department of Homeland Security is going down the same path. The department, so far has failed to develop a useful road map of its security goals for the Nation. If anyone at the Department has a strategy for basic objectives, such as securing the northern border, tracking all vessels entering American waters, ensuring that airline cargo is effectively screened, no one has been willing to share that information with us. I find that disturbing.

If the Department will not define its goals, it is up to the Congress to do them. This bill provides $29.4 billion in discretionary budget authority for the Department of Homeland Security. This is only $5.366 billion, or 1.8 percent above fiscal 2003 funding. The gentleman from Kentucky (Chairman Rogers) has got to be somewhere where we sensibly allocate our funds to our vulnerabilities and spend those dollars, but we should not spend money just for throwing it away.

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Mr. WAMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. Young), the distinguished chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman yielding time.

I rise in strong support of the bill. Mr. Chairman, as you know, when we made the recommendation to reorganize the Committee on Appropriations, it was a recommendation that had been batted around for many, many years, and it was the right thing to do. When I selected the gentleman from Kentucky (Chairman ROGERS) to chair this subcommittee, it was the right choice. He has done a tremendous job in understanding the issues and in bringing together all of the various agencies that are involved in homeland security.

This is a good bill. There are some who will say that it is too much spending, and I have a right to say that it is not enough. You are going to hear that on all 13 appropriations bills. I tend to think we are just about in the right place on all of the bills.

Today we are focused on homeland security. On Friday we will consider the Military Construction appropriations bill. We have already marked up in addition to Homeland Security and Military Construction, after about a 4-week delay in getting approval on the budgetary levels, the Interior, Agriculture, Labor-HHS, Legislative and Defense appropriations bills in subcommittee.

Tomorrow we will mark up the Agriculture appropriations bill in the full committee.

On Thursday we will mark up the Defense appropriations bill and the Legislative Branch appropriations bill in full committee. So for the Members' interest in having some idea of our schedule, we plan to have those bills through the House before the August recess.

The committee, once we were freed up from the hold that we had due to budgetary issues, has moved quickly and in a very responsible way, and I am happy to report, Mr. Chairman, that in addition to this good bill we are considering today, the Military Construction bill, which is also a good bill, will be considered on Friday and the Committee on Appropriations is well under way with the other ten bills and has a very aggressive schedule.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Obey), the distinguished ranking member of the committee.

Mr. OBEEY. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, it is difficult to know how to handle the money in this bill because of the reorganization which took place leaves us with still a very discombobulated set of agencies, and it also I think has confused people about what our priorities are.

I am proud of the fact that on four separate occasions this Committee on Appropriations on a bipartisan basis tried to add additional funding for key homeland security items even though on each of those four occasions the White House opposed our efforts. But I want to tell you that today I think the chairman has produced a perfectly reasonable bill provided that we think that the status quo is all right given everything that has happened.

In my previous and my staff and the chairman of the full committee and his staff, have had extensive conversations with virtually every one of the national securities agencies in this country. And we got from them a year ago that because of the way the money has been from them as recently as a few weeks ago, their honest best estimates about where we need additional support in order to increase security of people on the home front.

The problem we have today is that we cannot put the resources in this bill that we ought to be putting in because the Congress, the majority party in the Congress, has decided that instead of actually targeting our money only priority is tax cuts. And those are skewed mightily to the most well-off people in this country.

And the problem is that when you decide that you are going to put a trillion dollars into tax cuts, then that means that money is not available, not even a portion of it, to use to deal with our high priority needs at home, be they education or health care or, in this case, homeland security. And so what we are saying is that because of the way the budget process is handled, the public never gets to understand what the linkage is between the tax cut decisions that were made by this Congress and the linkage with these funding limitations for high priority security.

So very simply, I will be trying to offer an amendment that does a number of things. We will add about $400 million that will fund for port security grants. The Coast Guard estimates that their long-term needs are for $4.4 billion. We think we ought to do more than just add $300 million to it under those circumstances.

We would increase our share of funding, the share of the Federal contribution for port facility security needs. The problem is, if we stay with the $100 million contained in this bill, it will take about 40 years for the Coast Guard to meet its needs in the estimate of the Coast Guard.

We also provide $100 million to implement the Maritime Transportation Security Act to improve and analyze vessel threat information.

We also provide $1.3 billion to the Customs inspectors so we can have 3,000 additional people inspecting containers shipped into the United States. Right now only 2 percent of those containers are being inspected and that is a mindlessly reckless vulnerability. We are trying to increase by 6 percent the total number of inspector personnel. I think that is hardly out of line.

Then we add $200 million to try to improve northern border security. As I pointed out in the Committee on Rules, during Operation Liberty Shield, 10 aircraft came across the border without clearance even while we were patrolling that northern border by air. We have no idea what would have been in those planes.

We proposed to pay for this funding by reducing the size of the tax cut that will go to those with incomes of more than a million dollars next year. We proposed to reduce the size of the tax cut by 6 percent so that instead of getting $88,000 on average, they will get $83,000 per average. That is hardly putting them in the poor house. But it would enable us to reestablish additional support for these crucial investments.

I would urge the House to allow us to consider that amendment because the public has a right to know which of us are for it and which of us are against it. And I would have a right to say whether we put tax cuts for wealthy people ahead of the security of this Nation.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the Subcommittee on the District of Columbia.

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

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in strong support of the fiscal year 2004 Homeland Security appropriations bill. This bill is a first of its kind but, more important, in the history that is being created with this first-ever homeland bill is the fact that we, simply put, makes America and my home State of New Jersey a safer place.

We in New Jersey and New York and the New York metropolitan area know better than most how vulnerable an open and free society can be. We put a very human face on the homeland security issue, as 700 New Jersey citizens went into Lower Manhattan that terrible morning on September 11, 2001, and never came home again, and many more people in New York City as well and residents from over 80 countries.

This is all very personal.

These appropriations if spent and managed wisely may well prevent another catastrophic attack on American soil. While we can never really totally eliminate our vulnerabilities, this bill takes important steps to better protect our people and the infrastructure that carries them into and around New York City and over and under the Hudson River each and every day and protects people in other communities and cities around the Nation as well.

Notably, this historic bill recognizes that, while the Department of Homeland Security has the lead in developing our national homeland security strategy, implementation of the strategy requires the active collaboration...
and contributions of all States and municipal governments, and the private sector as well. It also recognizes that many of the agencies merged into the Department of Homeland Security in March have traditional missions.

For various reasons, Mr. Chairman, I support the passage of this appropriations bill.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I am pleased to participate in this first-ever debate on the Homeland Security appropriations bill. I want to commend the gentleman from Kentucky (Mr. Rogers), the chairman; and the gentleman from Minnesota (Mr. Sabo), the ranking member, for their leadership of our subcommittee and the fine staff, majority and minority, for their good work.

Our task was to develop a budget where none had previously existed for a Department that is struggling to master its mission. Hearings could not even be arranged for many of the largest and most important of the Department’s 11 major agencies. As a result, we did not have the benefit of questioning important agencies such as Immigration and Customs Enforcement, Citizenship and Immigration Services, Information Analysis and Infrastructure Protection, and Office of Domestic Programs. Those four agencies alone constitute 31 percent of the Department’s total budget.

The bill before us today provides over $35 billion for the new Department, which is $1 billion over the administration’s request. In addition to providing for big-ticket items such as $5.6 billion for Project Bioshield, it provides $44.4 billion in grants to our first responders, which is 25 percent more than the President requested, and $900 million for the science and technology directorate to promote the research and development of security-related technologies.

I am also pleased with the attention paid to the equally important non-homeland security traditional missions of the many agencies now incorporated in this new Department. For example, the budget we have today rejects the administration’s proposal to discontinue the section 404 post-disaster hazard mitigation program and combines it with $200 million for predisaster mitigation activities to both learn from the past and prepare for the future.

I am also encouraged that the bill recognizes the potential of our Nation’s institutions of higher learning: $60 million is included for the rapid development of promising homeland security technologies by universities, national laboratories, nonprofit institutions and private companies, as well as $35 million for university and fellowship programs, including $25 million for the creation of university-based centers of excellence.

There are, however, Mr. Chairman, ample grounds for concern; for example, the security of our Nation’s ports. Despite no request from the administration, the Appropriations Committee appropriates $100 million for port security grants to shore up our significant vulnerabilities there. Unfortunately, our Republican friends rejected a Democratic amendment that would have added $500 million toward the $4-4 billion estimate is simply too small. We need to ensure that there are adequate resources for port security. We would have paid for that by a small reduction in the tax cut going to people making over $1 million a year.

Still, the subcommittee has been assured and must continue to demand the completion of port vulnerability assessments at the Nation’s 55 largest ports by the end of 2004.

I support this Homeland Security appropriations bill with overall tax cut for 2004 appropriations for law enforcement and emergency services. Given the importance of our Nation’s first responders to the security of our communities, I want to ensure that the overall funding levels for these programs, such as the Community Oriented Policing Services (COPS), the Byrne grant programs, and related accounts remain at or above fiscal 2003 levels.

I support the President’s request, and $900 million for education, for homeland security; and this is a fact of life.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield ½ minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of our subcommittee, who has contributed much to this bill.

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

Mr. WAMP. Mr. Chairman, I want to make two points: one, if my colleagues like what they see with our Armed Forces and what they have seen in the last several months around the world in terms of our men and women in uniform, I want them to know that what we are trying to do with homeland security is essentially the same kind of bipartisan cooperation here in the Congress. We must coordinate the resources of homeland security that mirror what we have done in the Congress to support national security throughout the years, so that the technology that is deployed and the efficiencies that are created, the accountability that is instilled in the Department of Homeland Security is the same as the Department of Defense, and it is difficult. We can always spend more money, but it is important to know that this bill adequately and effectively resources the needs that we have today.

I also want to point out that a lot is going to be said about tax cuts as we debate all of the appropriations bills, it is true that we have been, but this is not a tax bill. We cannot cut taxes or raise taxes in an appropriation bill. We are charged with spending the money within the budget agreement, and that debate was in April. It obviously lingers here, but that debate was in April. Now we have the responsibility within the budget agreement to spend the money and set the priorities; and in doing so at homeland security, we have had extraordinary cooperation.

Our professional staff, I think one of the best staffs that has ever been assembled here; and it was important that we put the best people on the field that we could possibly find, on both sides of the aisle. Our committee is divided, but our ranking member, the leadership has been extraordinary; but this is such an important issue. It needs to be the best possible.

So we are off to a good start. Let us stay focused.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of our subcommittee.

Mr. SERRANO. Mr. Chairman, let me first simply say on a comment that we just heard on the House floor that it is related to taxes, because it is a simple mathematical equation. If we have less money to spend because we give it away to the rich, then we have less money for education, for senior citizens, and for homeland security; and this is a fact of life.

However, having said that, I want to take this opportunity, first, to thank the gentleman from Kentucky (Mr. Rogers), the chairman, and the gentleman from Minnesota (Mr. Sabo) for this historic moment in putting together this bill. This bill, in my opinion, has some deficiencies; but on the other hand, it is a historic bill. It is the first time we have attempted to put together a bill like this and to take care of a need. Therefore, Mr. Chairman, I rise in reluctant support of H.R. 2555.

On September 11, everything changed in this country. The savage attacks on New York and Washington brought home to America that the threat of terrorism at home was terribly real. Among the responses by Congress were the creation of the Department of Homeland Security and the reorganization of the appropriations to oversee and fund the new department. The gentleman from Kentucky (Mr. Rogers) has ably taken up the challenge of chairing the new...
Mr. SWEENEY. Mr. Chairman, I want to especially thank the chairman of the subcommittee for all his great work.

This is not just about the merging of 22 Federal agencies into one. This is not just about responding to the needs of first responders. This is not just about establishing a system that not only helps first responders, but that creates a system of first preventers. This has really been a monumental task undertaken to give direction to an entity, a notion, a thought about protecting the American people here at the homeland, something prior to September 11, 2001, we did not give a lot of time to and that goes well beyond anything this government has ever done. This is about first responders, this is about border security, this is about aviation and port security. It is about a Bio-Sold program, and it is about the four corners of defense.

I want to take my 1 minute to especially tell the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS), how thankful I am as a New Yorker, as an American citizen, as someone who lost friends and neighbors in the attack of September 11, for the commitment that he is honoring that we all made on September 11, 2001, for the great work that he has been doing on this, and the fact that I feel greatly confident that as we go forward and need to make adjustments as this process evolves, that we have the right person in place at the subcommittee level.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 2555, the first annual appropriations measure for the Department of Homeland Security. This bill will help us equip our Nation to prepare for and respond to future disasters. But it is not enough. When it comes to protecting our citizens, we must move faster and we must be stronger.

I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS). Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ROGERS), who has been a member of the subcommittee who has been extremely helpful to us in this bill.
Mr. ROGERS, one of the disappointments I had in this rule was it did not waive a point of order on what I thought was a very reasonable limitation on the development of CAPPSII. The gentleman from Kentucky graciously conceded this point in committee. I would hope that the folks who are objecting would not raise a point of order when we get to that in the regular bill.

The provision is a moderate attempt to make sure that this very, very large and complicated screening process of the American public receives the closest of scrutiny and the closest of examination by GAO and others before it is implemented.

Our amendment left in place the provision that was to be a system that totally complicates and makes our whole screening process more cumbersome and more costly and less effective. Rather than simplify, it may well, if a point of order is raised, the only alternative we will have is to seek a pure limitation without the language. I would hope the House would adopt such a limitation, if that is the situation we find ourselves in, but I much prefer we make our whole screening process more cumbersome and more costly and less effective.

If a point of order is raised, the only alternative we will have is to seek a pure limitation without the language. I would hope the House would adopt such a limitation, if that is the situation we find ourselves in, but I much prefer we make our whole screening process more cumbersome and more costly and less effective.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. Emerson), the hard working member of our subcommittee.

Mrs. Emerson. Mr. Chairman, I wish to thank the gentleman, the gentleman from Kentucky (Mr. Rogers) for the tremendous job that he and his staff have done in putting together the inaugural Homeland Security appropriations bill and also for the honor of allowing me to serve on that subcommittee as well.

This bill does make a large investment in our Nation's first responders. We have added $888 million above the President's request for the Office of Domestic Preparedness, Firefighter and Emergency Management. This also includes another $750 million in firefighter grants, which has greatly been appreciated in Missouri and, in my judgment, is one of the most successful programs that FEMA and DHS have undertaken.

The bill also makes a larger investment in intercity bus security by adding $10 million for this critical initiative. We also include over $5 billion for various transportation security initiatives to ensure that not only our airports continue to run smoothly but also our ports and highways.

We make a large investment in the future by investing $900 million for science and technology. The funds will target research, development and deployment of innovative technologies that will help protect the Nation well into the future.

So, Mr. Chairman, I want to thank the chairman again and also Michelle, Stephanie, Jeannie, Jeff, Brian, Tammy and from for the great work they have done.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.
It is my understanding from both Federal and local intelligence briefings that New York is still acknowledged to be the top target for terrorism. I believe that New York City and other cities across the country, including Yorkers, New York, in my district, need dedicated resources to protect sites of national significance and critical infrastructure.

I agree with Secretary Ridge that we must distribute Federal funds on the basis of threat of terrorist attack and need, as well as population. That is not to say that States without high-density urban areas do not have important security needs. As dangerous as the threats are, our responsibilities enormous, so we must be strategic; and I hope that the number of who represent high-threat, high-density urban areas can work with the gentleman to examine this issue.

I appreciate the leadership of our chairman, and I thank the gentleman from New York (Mr. Sweeney) for his hard work.

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

Ms. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman and gentlemewan for this colloquy and applaud the effort they have led for New York, which has been the victim of at least one of our terrorist attacks. The gentleman has enacted a total of $800 million for high-threat, high-density urban areas in fiscal year 2003.

Of that $800 million, New York received $120 million to help first responders with the increased security costs associated with the war in Iraq and Operation Liberty Shield. I am aware of the concerns the formula has generated. I assure my colleagues I appreciate the degree to which New York and our neighbors in New York faces. I am also aware of those rural areas that rely on the basic formula grants to fulfill their first responder requirements. I believe any reform to the formula must ensure that these rural areas are not abandoned. I will work closely with the gentlewoman and the gentleman as the bill progresses to conference on these and other matters.

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

In relationship to our latest colloquy, I understand the concern of people over the situation in New York. They clearly have unusual problems. Would the chairman agree with me that we do not know precisely how the agency sets criteria for the balance of funds in this particular discretionary program?

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

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

Mr. ROGERS of Kentucky. Only in a general sense. The presence of high-risk infrastructure, the urban intensity of the region, we leave it to the discretion of the Secretary, as I think we should, rather than the basic formula. As the gentlewoman knows, we have been working together.

Mr. SABO. Mr. Chairman, we have a little trouble getting a precise understanding of what criteria are used.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct, but I think in due course of time, perhaps before the bill finally reaches the President, we will have found out more.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Chairman, we consider today, of course, for the first time the appropriations for the new Department of Homeland Security. Just as the new Department is taking its first steps to make America safer, we are also embarking on an effort to try to secure the resources that we need for the longer term to ensure our victory in the war against terrorism. This bill is a good start, and I support dedicating resources above the President's request to prepare our communities by training and equipping first responders and securing our ports and our transportation systems.

However, as we have been finding in the hearings before the Select Committee on Homeland Security, serious deficiencies remain in the Department's ability to carry out its mission of protecting all Americans from those harms that could come our way through terrorism. As an example, our Select Committee on Homeland Security revealed that there is one, precisely one, person in the Department of Homeland Security assessing the bioterror threat to America and determining how to match that threat against our vulnerabilities and then make plans to protect America from bioterrorism.

It is clear we must move faster and we must be stronger to protect America. We have learned that, while over 4,000 port facilities and 10,000 ships that enter our ports are required to undergo security reviews, there is no funding to fulfill that mission. We must move faster and be stronger. We have learned that there are serious gaps in coverage on our northern border. There is on average only one person per every 16 miles of our Canadian border. The PATRIOT Act called for tripling the forces to protect our northern border, and the 2002 Border Security Act goes even further, but gaps still remain. We must move faster, and our forces must be stronger.

Mr. Chairman, just a few months ago this Congress voted to spend $65 billion to prosecute the war in Iraq. We spent those funds to make sure that our forces had the best training and the best equipment possible. We need to make the same commitment to those who fight on behalf of homeland security today.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Cox), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. Young) have done an extraordinary job in bringing to the floor a bill that has
as its object the most important function of the Federal Government, protecting these United States from attack. Nothing that we do is more important.

The $29 billion in this legislation for the coming year is nearly 4 percent more than the President requested. It is $250 for every single taxpayer in America. It is an extraordinary amount of money to meet the new challenges of the post-September 11 world.

The $4.4 billion in this bill for first responders is nearly $1 billion more than the President requested. We have in fact in this Congress increased funding for first responders by more than 1,000 percent since September 11.

The Select Committee on Homeland Security, of which the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) are valued members, have had hearings and field investigations of the problems of getting these monies to our first responders on the front lines. The pipeline is the problem. That money is not getting to where it belongs.

That is why, in addition to the work that we can do in this bill as we go forward, the Select Committee on Homeland Security will also be bringing to this floor legislation to unplug the pipeline and better distribute these monies on a threat basis, the way we have always done it for national security. We will streamline the grant process and base it on the principle of threat analysis.

I commend the chairman for the resources and direction provided in this legislation to ensure an intelligence analytical capacity within the Department of Homeland Security to meet not only the bioterror, but all of the threats to our homeland security that we face. This is an enormous amount of money. We now face the task of making sure it is wisely spent. In the exercise of our oversight function, we will do just that. Our Nation's freedoms and our way of life depend upon it.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a distinguished member of the Committee on Appropriations.

Mr. HOYER asked and was given permission to revise and extend his remarks.

Mr. HOYER. Mr. Chairman, I rise to talk about the Obey amendment which will be offered shortly. The Obey amendment puts before the Congress of the United States, before our Republican colleagues and before our Democratic colleagues, the question of what options do we want to pursue. The gentleman from California (Mr. Cox) has said that the most important objective is keeping our homeland secure, keeping America and Americans safe. Mr. Obey and I am sure do you care more about giving tax cuts to those at the very upper ranks of taxpayers, or do you care about keeping ports, airports, bridges and roads secure? It is a very simple question. It is a question, though, all of us must answer; and we must answer them with the responsibility to the American public that we have uppermost in our minds.

Mr. Chairman, I urge my colleagues, I urge this House to allow the gentleman from Wisconsin (Mr. OBEY) to offer this amendment and to support this amendment and to say to America, we are prepared to protect you. Mr. SABO.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) and congratulate the gentlewoman on Rice's victory in the NCAA baseball tournament last night.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his vision and knowledge of that great sport of baseball, and let me congratulate the Rice Owls. We are excited and delighted that we have such national respect.

I rise to be able to add my support for the Obey amendment. Having just come back from field hearings in Long Beach and Los Angeles with the Committee on Homeland Security, I assure Members it is crucial to get funds in the hands of our local responders; and I use that terminology because I believe it means not only the first responders of firefighters and law enforcement, but nurses, doctors and hospital personnel. It is also crucial to get funds in the hands of our local responders; and I use that terminology because I believe it means not only the first responders of firefighters and law enforcement, but nurses, doctors and hospital personnel. That is why I have asked for amendments that I have offered to be made in order that in fact we expedite and simplify the regulatory maze that is required of these entities to get funding right on the ground.

It was amazing from a helicopter overview to be able to see how close residential communities are to sites of potential terrorist acts. We must act now to ensure that our first responders are the first ones that are taken care of to protect our neighborhoods. We need to move forward.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to offer an amendment to the Homeland Security Appropriations Act.

This germane amendment would direct the Secretary of Homeland Security, in conjunction with the appropriate federal agencies, such as the Federal Transit Administration, to determine the percentage of frontline transit employees who have received training in emergency preparedness and response training.

This amendment would have also directed the Secretary of Homeland Security to report to Congress no later than 90 days after enactment of this legislation the percentage of ‘frontline transit employees’ who have received emergency preparedness and response training.

In addition, the Secretary of Homeland Security would coordinate with the appropriate federal agencies such as the Federal Transit Administration and provide recommendations on what training on emergency preparedness and response training shall be provided to ‘frontline transit employees.”

Mr. Chairman this amendment would have provided this new agency with guidance for years to come.

Understandably, we are all grappling with setting priorities and funding levels for new security programs and emerging threats.

By establishing a baseline for security training our transit workforce needs, it will assist us in establishing priorities and funding levels in future years.

But make no mistake about the importance of establishing a comprehensive transit security-training program for our nation’s frontline transit workforce.

We need to start now in order to properly plan for the future.

For years, governments around the world have recognized that public transportation is a major terrorist target.

Until 9/11 the United States has been largely spared the kinds of terrorist campaigns waged against public surface transportation.

However, we cannot wait for a tragedy to happen to prompt us to address our vulnerabilities. We must act now.

An October 2001 study released by the Mineta Institute, Protecting Public Surface Transportation Against Terrorism and Serious Crime: An Executive Overview cites that between 1920 and 2000 there have been approximately 900 terrorist attacks and other significant incidents involving public surface transportation systems.

However, all but 14 of these attacks occurred after 1970, that year that marks the beginning of modern terrorism.

The attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks, according to the most recent statistics provided by the USDOT Office of Intelligence and Security in 1998.

Again, Mr. Chairman, I offer my statement for the RECORD.

Mr. BLUMENAUER. Mr. Chairman, hometown security should be our number one priority to ensure the American public is safe from terrorism—both domestic and foreign.

Federal governments have made significant commitments, but unfortunately these have been more show than substance. The most recent example is the budget for the homeland security appropriations. I know from my own experience that there are vast unmet needs in every community around the country, and Oregon is on exception. The federal government should be helping communities to pay for the costly precautions that local governments must take to respond to high level security alerts, the effects of which ripple through crippled local budgets. We have yet to make long-term improvements that our federal government imposed shut down of airports following September 11th. There are vast and clear needs for the Coast Guard which this budget virtually ignores.

We are lavishing hundreds of billions in tax relief for those who need it the least when we are investing billions of dollars in questionable military expenditures, like theater missile defense or Star Wars. It is inexcusable that we do not do a better job of listening to and meeting the needs of our local communities around the country. I, in good conscience, find it very hard to vote for this appropriation and hope that we will send the message that Congress should step up and make its action match its rhetoric and the need.
Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in strong support of H.R. 2555, the Fiscal Year 2004 Department of Homeland Security Appropriations Act.

This important legislation provides $30.4 billion in funding for the upcoming year, $1 billion over the President’s request, including $4.4 billion for grants to the police, firefighter and emergency medical personnel that are on the front lines of our nation’s homeland preparedness and emergency response. In addition, I am pleased to see in this legislation a timeline to expedite the allocation of these resources within 120 days of passage of this Act.

We have heard today, Mr. Chairman, and will continue to hear that there are simply not enough funds included in this bill to achieve our goal of making our homeland secure. The fact, however, is that to date the federal government has spent $20.8 billion for our nation’s first responders, and we will continue to fund what is necessary to ensure they have the training, equipment and resources necessary to do their job.

We all in this House know full well that money spent does not simply translate into increased preparedness. This in only a start, and we must continue to be vigilant in not only appropriating adequate funds, but ensuring that these funds are administrated strategically as part of a plan that addresses our nation’s vulnerabilities and needs. We must remember that while the Department of Homeland Security develops our national homeland security strategy, the implementation and the ultimate success of that strategy rests with our state and local governments.

In closing, Mr. Chairman, the protection of the American citizens is the first and foremost duty of the federal government, and this Congress will continue to work with the Administration, and our states and localities to this end. This bill is a solid next step for our nation’s emergency preparedness and response capabilities and I urge my colleagues to support it.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the Obey amendment to add an additional $1 billion to H.R. 2555 to help fill critical homeland security deficiencies and urge my colleagues to support its adoption.

Mr. Speaker, the bill before us would provide $30.5 billion for operations and activities of the Department of Homeland Security in Fiscal Year 2004 and permit the Department to use an additional $4.8 billion in Immigration and air passenger fees.

Whether these amounts are sufficient for the Department to successfully carryout its mission is difficult to know because the Department of Homeland Security subcommittee, under the chairmanship of our Select Committee on Homeland Security with very little information about their mission and overall plan of operations. In fact, budget justifications for many important activities within the Department were not submitted for months after the President’s budget was released and hearings could not even be arranged for four of the largest and most important of the Department’s eleven major agencies.

This is very troubling, Mr. Speaker, particularly in light of the enormity of the Department’s mission to protect the country from terrorist attacks.

Similarly troubling is the denial by the rules committee of an amendment which was offered by our colleague the Ranking Democrat of the Appropriations committee, DAVE OBNEY, to provide an additional $1 billion to help fill critical homeland security deficiencies. The Obey amendment would have added an additional $400 million to the bill for additional port security grants. It was reported that if it were, it would approximately $4 billion more than the $463 million that has been appropriated since September 11th for port security improvements.

In my district, the highest priority for securing our territory against attacks has been and continues to be the establishment of a “Border Patrol” unit for the Virgin Islands.

Working in coordination with our U.S. Attorney’s Office, the U.S. Customs’ Service, the F.B.I., the Transportation Security Administration, and the U.S. Coast Guard, the Government of the Virgin Islands is in the final stages of developing a strategic anti-terrorism and Homeland Security plan for the territory. A critical component of any such plan will require additional resources for our federal agencies, especially the Coast Guard which has to oversee what maybe the busiest cruise ship port in the Caribbean—the port of Charlotte Amalie, St. Thomas. Additionally, the Coast Guard is also called upon to inspect the several ships that visit our waters daily, as well as, the pipelines that lead from land to sea. Their search procedure for all ships follow international law and regulations differ for each different type of ship.

In addition to being the location of the busiest cruise ship ports in the Caribbean, the U.S. Virgin Islands is also home to HVENSA, the largest oil refinery in the Western Hemisphere, which regularly receives a number of very large tankers.

The Coast Guard has requested the establishment of a Border Patrol Unit for the Virgin Islands to better enable them to meet their several mandates for protection of our coast, which includes 175 miles of unprotected open borders and is the gateway to the United States as its southern most border.

Enactment of the Obey amendment would have significantly increased the likelihood that the Virgin Islands would receive a critically needed border patrol unit.

Mr. Chairman, members of the Select Committee on Homeland Security have been seeking answers to a number of fundamental questions about the Department, since the committee’s inception. We have been trying to find out whether the Department is fulfilling its responsibility to better coordinate and access threat information and ensure that in the event of a terrorist attack, federal, state, local and private entities are prepared to respond to the event. These questions and others remain unanswered and the bill we are debating today unfortunately does very little to help us receive them.

I urge my colleagues to adopt the Obey amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of H.R. 2555, the Homeland Security Appropriations Act of 2004. As a member of the Homeland Security Subcommittee, it has been an honor to take part in the formulation of the new Homeland Security Department. I would like to commend our Chairman, H. ROGERS, and our Ranking Member, Marlin SHABAZZ, for their tireless efforts. I believe that putting together first this appropriations bill for the new Department of Homeland Security.

The Department of Homeland Security has had both success and failures. It has been successful in unifying principal border and transportation security agencies, coordinating a network of disaster response capabilities, and creating a central point for the analysis and dissemination of intelligence pertaining to terrorism. It is effective in its present form.

On the other hand, the Department has failed to develop a useful road map of security goals the Department seems critical to protecting the homeland, such as securing the northern border, tracking all vessels entering American waters or insuring that air cargo is effectively restrained.

As a result, many of the windows of opportunity for terrorist organizations such as al Qaeda are nearly as wide open today as they were on September 11th. Of equal concern, is the fact that the Department seems to be stalled in its ability to put in place a program to close those windows open to terrorist attacks.

Overall this bill provides $29.4 billion in discretionary funding for fiscal 2004. That is only about 1.8 percent above the overall funding applied to all the Department for fiscal year 2003. The Congressional Budget Office however, forecasts that prices will increase during the current fiscal year by 2.3 percent. As a result, the bill actually provides funding for the coming year that in terms of real dollars is about $150 million below current levels.

Mr. Chairman, cities such as my hometown of Los Angeles are the ones who must bear the brunt of this inadequate funding. Los Angeles is one of the largest cities and metro regions in the country and is considered to be one of the most “at risk” areas for terrorist attacks. With one of the world’s largest port complexes and a major international airport, Los Angeles has heightened vulnerability to potential terrorist attacks.

Without adequate federal support, protecting our cities and towns is extremely costly and causes tremendous hardship on local governments. For example, Los Angeles officials have reported to me that during the days of the three Orange threat levels, the city regulated an additional $2 million in security costs. This figure includes additional costs for areas such as our city airports, our port, our public utility centers, our convention center and our police department. Although I am pleased that today’s bill provides $500 million for “high threat urban areas” like Los Angeles, clearly this does not provide the funds needed to address the security needs of Los Angeles and other highly vulnerable urban areas.

In addition to representing the downtown portions of the City of Los Angeles, I also represent smaller southern California communities such as Downey, Commerce, Bell Flower, Huntington Park, and Vernon. Like other small cities and rural communities across the nation, these smaller cities are often overlooked in the urgent rush to protect the homeland and to establish emergency preparedness plans. These smaller cities, have increased security needs since September 11, 2001, and have also had to incur additional costs in response to our nation’s heightened security alerts. Protecting our small cities is just as important as protecting our large cities, and national land border areas.
review process of each state’s emergency preparedness and security response plan.

Mr. Chairman, another area of concern is the fact that the funding for our nation’s commercial seaports continues to be dangerously inadequate. Our ports are one of our nation’s most vulnerable assets. Yet this area was not included in the President’s budget request, and the leadership of this Congress continues to underfund our ports. While critics focus on the cost of providing this security, I want to highlight the cost of not providing this security. The labor shutout at the port complex of Los Angeles and Long Beach last fall isolated this port and the airport security workforce had been screened, authorized at LAX and other airports. These are port language that the Department of Homeland Security on two issues critical to the immigrant community. The report language expresses concern about the pattern of harassment, excessive use of force, and racial profiling by private vigilante groups that conduct paramilitary-like operations along our Southwestern border. In San Antonio for example, the sheriff recently arrested vigilantes who were charged with assault for their illegal arrest of two migrants from El Salvador. Vigilantes taking immigration law into their own hands is illegal, and their actions are a serious violation of fundamental rights. It can also interfere with the legal activities of protecting our homeland. For that reason, I am pleased that the report includes language I offered expressing concern that vigilante operations against migrants along our southern border not be tolerated, and may interfere with the work of the Department of Homeland Security.

Mr. Chairman, I am also pleased that the report contains language I requested directing the Department of Homeland Security to implement over the processing and resettlement of refugees. Since the Sept. 11, 2001 attacks, increased security checks on individual refugee cases, combined with greater limits on the travel of refugee and immigration officers, have resulted in a slowdown of interviews necessary for U.S. resettlement. Many of these precautions are understandable, but as the Department of Homeland Security begins to shape its policy and procedures, we need to find a safe and acceptable method to quickly process legitimate refugee claims.

There are two sources for continued funding for the Office of Citizenship and Immigration Services. One is the budget request of the Department of Homeland Security to implement over the processing and resettlement of refugees. Since the Sept. 11, 2001 attacks, increased security checks on individual refugee cases, combined with greater limits on the travel of refugee and immigration officers, have resulted in a slowdown of interviews necessary for U.S. resettlement. Many of these precautions are understandable, but as the Department of Homeland Security begins to shape its policy and procedures, we need to find a safe and acceptable method to quickly process legitimate refugee claims.

Mr. Chairman, while I am disappointed in this bill’s inability to fully fund many of our country’s initial national security needs, I support the effort of the Ranking Member to best allocate these limited resources. We have much more work ahead of us. I urge the conference to address this issue of limited funds. In closing, I want to reiterate that I have enjoyed working with Chairman Rogers who I know did his best given the limited resources the subcommittee was provided.

Mr. NUSSELE. Mr. Chairman, I rise to speak on the unfolding of the appropriations process for fiscal year 2004 and the Homeland Security appropriations bill in particular. The actual appropriations process commenced on April 10 when, five days before the statutory deadline, the U.S. Congress agreed to a budget resolution that established an overall limit on allocation on appropriations for fiscal year 2004. THE BUDGET RESOLUTION

The budget resolution provided a total allocation for discretionary appropriations of $785.6 billion in fiscal year 2004, including the $4 billion in response to the Department of Homeland Security authorities. This represents a 2.6 percent increase over the current year, which is slightly higher than the rate of inflation. Additionally, the budget resolution allowed an additional $23.2 billion to be appropriated in advance for fiscal year 2005.

The Congress agreed on this number after considerable deliberations involving the Leadership, the Budget and Appropriations Committees, and rank and file Members. We started with CBO’s reestimate of the President’s budget request of $786.6 billion. We added $890 million for biological and chemical threats and another $215 million for the Iraq supplemental. At the same time, it was reduced by $2.2 billion to reflect advance appropriations that were not part of the President’s original budget submission. HOMELAND SECURITY APPROPRIATIONS

Today we consider the first of these appropriations bills, H.R. 2555, the Homeland Security Appropriations Act of 2004. This is a landmark occasion: the first separate appropriation bill for the Department of Homeland Security, which consolidates 22 Federal agencies and is expected to reach 180,000 employees.

The spending levels in this important measure are consistent with the limits for fiscal year 2004. The bill provides $29.4 billion in appropriations for fiscal year 2004, an increase of $8.1 billion or 38 percent above last year’s level. Much of this increase is for Border and Transportation, Emergency Preparedness, Information Analysis and the Coast Guard. With total fiscal year 2004 appropriations equal to the allocation for the Homeland Security Subcommittee, the bill complies with the Congressional Budget Act.

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The Congress agreed on this number after considerable deliberations involving the Leadership, the Budget and Appropriations Committees, and rank and file Members. We started with CBO’s reestimate of the President’s budget request of $786.6 billion. We added $890 million for biological and chemical threats and another $215 million for the Iraq supplemental. At the same time, it was reduced by $2.2 billion to reflect advance appropriations that were not part of the President’s original budget submission.
Consistent with the Budget Resolution, the bill provides resources above the President’s request in areas like Border and Transportation Security, Emergency Preparedness and Response, and Science and Technology. This bill will enhance the Nation’s ability to secure our borders, protect lives and property, and disrupt terrorist financing.

The bill also provides appropriates for the acquisition of various countermeasures against nuclear, radiological and biological threats. The authorization for these countermeasures has been reported by the Energy and Commerce and Government Reform Committees and will be acted upon by the Homeland Security Committee later this week.

I am pleased the Appropriations and authorizing committees were able to meet a critical need in the fiscally responsible manner outlined in the budget resolution. Rather than create another entitlement program, the program was kept fully within the oversight of the Appropriations Committees. In order to give the administration the assurance of adequate funding in the outyears, the bill provides advance appropriations for fiscal years 2005 through 2013.

My only concern with this approach is that some might be tempted to exploit the fact that much of the advance of appropriations are scored in fiscal year 2005 on the expectation that they will spend out over time by reducing that amount in 2005 to achieve spurious savings. I take it in good faith that the Appropriations Committee will leave these funds untouched in fiscal year 2005 so they will be available as the need arises in subsequent years.

As we enter the appropriations season, I wish Chairwoman Young and all our colleagues on the Appropriations Committee the best as we strive to meet the needs of the American public within the framework established by the budget resolution.

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

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

The CHAIRMAN. All time for general debate expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read. The Clerk will read.

The Clerk read as follows:

H.R. 2555

B e it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:


In the item relating to “D E P A R T M E N T A L M A N A G E M E N T A N D O P E R A T I O N S”, after the dollar amount, insert “(reduced by $5,000,000)”.

In the item relating to “C O U N T R Y ”, after the dollar amount, insert “(increased by $5,000,000)”.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) for bringing us this bill on such an urgent matter.

I come with a small amendment that has rather big ramifications on our security. I represent all of the California-Mexico border. As the President of the United States and his Secretary of Homeland Security agreed with the President of Mexico, we need a smart border, a smart border for security, yes, tight security, but efficiency also.

We need a blending at our borders of security and efficiency. In my district, I have got about a quarter of a million, that is over 250,000, legal crossings every day through the six or seven border crossings in my district. That is a lot of traffic. That traffic is very legal. It is for important purposes, important for our economy, important for our families, jobs, housing, culture, education, all that is going on in this exchange across the U.S.-Mexico border.

We have shown that we can have the security we need. We started a new program several years ago called SENTRI, meaning Secure Electronic Network for Travelers Rapid Inspections.

We have shown that we can have the security we need and the efficiency as well. We started a new program several years ago called SENTRI, meaning Secure Electronic Network for Travelers Rapid Inspections. What that means is that we give people who need legitimate business across the border to travel, and they do it frequently, we give them as an extensive background check as is necessary to guarantee they are secure. We also give their vehicle a background check, and that vehicle and that person is matched when they cross the border by a smart card and a transponder. That is the SENTRI system. The Customs and INS now and under Department of Homeland Security have certain lanes of the border crossings for that purpose, for the SENTRI crossings.

Unfortunately, the demand for those smart cards may exceed the ability of the Department of Homeland Security to meet. There is a backlog of 6, 7, 8 months. The Subcommittee on Homeland Security, and I thank the gentleman from Kentucky for this, in their report said what a great program SENTRI is. They complimented the fact that it exists. What we at the border need, though, is some assurance from this Department that money will go to this incredibly important use. We are not sure given some of the threats. A big part of the transition of this new Department that people are looking at the border and will think about it. We need some accountability that the money will go into that program.

We now have 42,000 motorists using SENTRI. As I said, there are three or four times that who are waiting to participate. The backlog is over 6 months. There is no assurance that that backlog will decrease unless there is some declaration of funds that will be proposed.

I know that there is on the part of the committee a rightful concern with, “earmarks.” I just ask that the chairman think about accountability not about the whole Department but the stakeholders at the border. We have people on both sides of the border, people who are doing legal business that are so important to our economies. Mexico is now our largest trading partner. What happens to the trucks through California, the other part through Texas. We need to move that quickly with security guaranteed. That is what my amendment will do. The folks who are doing this at the border need to know that they are going to be there. They need to know that their business can be carried on. They need to know that they can expand their business because they know that crossing the border will be enhanced in a positive fashion. I say to the gentleman from Kentucky and the gentleman from Minnesota, I know that there is some reluctance to specify programs in their bill. I would just hope that such an amendment with such specificifications for our whole economy, and not just in Texas and New Mexico and Arizona and California where the border crossings are, but in Kentucky where there are people waiting.

We just got a call. They need to know that SENTRI is working. I would ask for approval of $5 million for the SENTRI program.

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

Mr. Chairman, I rise reluctant opposition to this amendment by the gentleman who has been working very
hard on the issue. Originally, this program permitted those certified as low-risk travelers to cross the Mexican border on an expedited basis for 1 year. However, in order to accommodate the unexpected increases in enrollment in that year following 9-11, Customs and Border Protection in February 2003 extended the enrollment period to 2 years. That had the effect of benefiting both participants in the program and the government by reducing paperwork and made the annual enrollment fee a biennial one. We have received their applications for the SENTRI program. I want to tell you how important it is. The gentleman from California (Mr. FILNER) would not only allow agents to reduce the SENTRI application backlog but means that the Bureau of Customs and Border Protection could do more background checks and improve national security. The ability to control our national security, it is trade and it is commerce for our region. It is an investment in the future of our ports of entry. It is communities seeking solutions to address our border management issues. The gentleman from California is a cosponsor of the SAFE Border Act, legislation that I introduced to modernize SENTRI. I would like to thank Chairman ROGERS and Ranking Member SABO for the inclusion of report language regarding this issue.

So what does SENTRI do? It prescreens applicants. The program accepts only low-risk travelers who pass a background and a vehicle check, and it focuses enforcement efforts on those travelers who are not prescreened. Moving low-risk travelers into SENTRI lanes permits border agents to concentrate on other border crossers. It allows the entry of thousands of San Diego frequent border crossers who cross the border every day and play a vital role in the area's economic and social life as commuters, shoppers, or visitors. Unfortunately, our border infrastructure has not kept pace with the growing demand from travelers who frequently encounter delays and congestion at the border. SENTRI is an innovative program. It integrates security with efficiency. In this program we have a model of best practices that enhance national security and facilitate legitimate traffic. Why would we not direct resources to this program? Why would we not take every advantage, every opportunity to increase security?

To some extent SENTRI has become a victim of its own success. Enrollment has increased, as we know, by more than 100 percent after September 11 and currently prospective applicants must wait several months. Next March, SENTRI will certainly need funding to handle the heavy processing demands caused by both renewals and new enrollees. Our agents at the border shoulder an enormous responsibility every single day. We owe them the appropriate resources and support they need to carry out their duties. We must also think about the technology and equipment needs of a program like SENTRI. This type of investment in our ports of entry results in greater border security and better trade flow.

Supporting this amendment, Mr. Chairman, would not only allow agents to reduce the SENTRI application backlog but means that the Bureau of Customs and Border Protection could do more background checks and improve national security. The ability to control our national security, it is trade and it is commerce for our region. It is an investment in the future of our ports of entry. It is communities seeking solutions to address our border management issues.

I hope my colleagues will join me in supporting the Filner amendment.

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

Mrs. DAVIS of California. I yield to the gentleman from California.

Mr. FILNER. I just would like to point out in furtherance of both our arguments and before the gentleman from Texas speaks, that there may be a rather slow hiring at the Department and the carryover funding may be more than anticipated. With this really small amount of money from that account, it should not influence in a negative fashion anything about the hiring for this Homeland Security Department. I would again reinforce what she was saying, that the enrollment centers that often break down and other legitimate purposes to increase the legitimate flow of traffic back and forth between our borders. The sooner we can screen people out who pose no threat to our security, the more we will be able to concentrate our limited resources on those that may pose a threat to our national security.

Therefore, Mr. Chairman, I rise this morning to urge my colleagues to join in voting "yes" on the Filner amendment.

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

Mr. Chairman, I want to express my appreciation to the gentleman from Kentucky as well as the gentleman from Minnesota for the hard work that they have done on this bill under very difficult circumstances. Part of the problem is that there does not seem to be from money to deal with the problem and for the proliferation of domestic security at a time when this Nation appears to be under threat. At least that is what the administration would lead us to believe. Every other week we are going up to the orange alert code. Local governments around the Nation are responding to that. So if we are under threat, we need to be providing for the people at the local level who have to deal with that threat. This bill for all the care that has been put into fashioning it would not deal with that problem adequately. The problem seems to be that there is not enough money. I have heard people come to the floor here,
even today, and talk about the fact that this is the appropriations process, it is not the budget process. But nothing here happens in isolation. This is all of a piece. If you are going to cut taxes, if you are going to take money out of the Treasury, do not be surprised if a little while later you do not have enough money to pay for your domestic security programs. That is the situation that we are confronting in the context of this bill.

Let me be even a bit more specific. Last year, we appropriated $2.9 billion of growth to state and local governments to help them prepare for and defend against terrorist attacks.

Eight hundred million dollars or about 30 percent of that was directed to high-threat areas. Some people have argued that 30 percent is not enough to be directed toward high-threat areas. They ought to have more than that. But we are getting even less in this particular bill. Seventy percent in last year’s appropriation went to other places across the country. The number under this piece of legislation goes up to 83 percent, and the effective cut for areas under high threat goes from $800 million to $500 million, and that has to be spread all across the country in areas that constitute areas of high threat. Secretary Ridge himself has said that the $800 million is not enough. Certainly the $500 million is not enough.

We are not providing for the kind of national security that the administration talks about and Members of this Congress take this floor to talk about. It is one thing to express one’s understanding of the need to deal with the problems of domestic threat. It is another to face up to those domestic threats and provide the resources so that the people out there on the firing line, the police, the firemen, emergency medical services personnel and others are able to contend with the problem when they express themselves and almost certainly they will.

So for all the care that the chairman and the ranking member have put into this bill, it remains deficient overall in the amount of money that we are spending on national security. No fault of theirs. They have been restricted in the amount of money they have to work with. There is not enough money allocated by this Congress or by the administration to deal with this problem. There is a lot of money for tax cuts. There is $80 billion to fight the war in Iraq, but there is not enough money to provide for domestic security. And on top of that in the context of this bill, we are cutting back on the amount of money allocated to high-threat areas specifically. That is foolish and we need to correct it.

We are beginning a process with this appropriation bill here today, and it is my hope that we will all work together constructively so that in the final analysis when we pass the final appropriation measure, we will have a bill that adequately provides funding for our domestic security needs and also takes into consideration those additional specific security needs that exist in areas of high threat across the country.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman that just spoke made some comments that I feel must be responded to. It is not really relevant to this amendment, but I will try to make it so, and that is whether or not we are providing enough funding for our State and local responders. I hear it every day. We hear it every day. Most people are uninformed or misinformed about how much money is going out there. In this bill we provide over $4 billion, and that includes the money that we put in the 2002 bill and the 2003 bill, we will have appropriated some $20.8 billion just for State and local first responders. The money is going out in different sorts of grants. There are eight or 10 different sorts of grants, one of which goes to the high-threat urban areas such as New York, Washington, L.A., other places, and those go out at the discretion and in the decision of the Secretary.

Last year, the current year 2003, we provided $900 million for just the high-threat/high-density urban areas. The administration in the 2004 request did not request any funds in that account. We put $500 million back in that account, and that is in the bill as we speak. However, in the other grant accounts, there are the grants for State and local first responders by over $1 billion. We do not hear that talked about, but it is there. There is over $1 billion more in those grant programs this year and next year than this year, $203 million above what we gave this year and $1 billion above what the President requested.

So I want to ask where is the beef? Where is the beef?

Those moneys are going out under competitive and discretionary grant programs to our States. Under this bill our States are required by law to give that money, 80 percent of it, to the locals within 60 days. The States have got to set up their own machinery for processing these applications. They have not done that yet. New York’s application was almost tardy. We are just now getting the applications. And yet then we are saying you are not giving us the money. The money is there when you qualify and will be there during this year, but we have increased the money that we go to States and local first responders $203 million above what they have now and $1 billion more than was requested by the President.

If the administration wants to submit a change in their budget request that changes these grants in some fashion, I am sure they will send us the supplement to their budget and we will give it due consideration. But, Mr. Chairman, I want to be sure that Members of this Committee and the States and local first responder grants money are more than last year, $1 billion more than the President requested. If the States will get their committees together and do their paperwork and apply for these moneys, they will be there. If there are delays in the pipeline, it is only because the States and localities have not applied for the money.

So Mr. Chairman, I rest my case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

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

Mr. FILNER. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, $206,000,000, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $56,118,000, of which not to exceed $1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: Provided, That in addition, $1,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.
TITILE II—BORDER AND TRANSPORTATION SECURITY PROTECTION—CUSTOMS AND BORDER PROTECTION

SEC. 101. In title II, in the item relating to "BUREAU OF CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert "(increased by $400,000,000)".

SEC. 102. In title IV, in the item relating to "INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION—OPERATING EXPENSES", after the aggregate dollar amount, insert "(increased by $1,000,000,000)".

SEC. 103. In title VI, in the item relating to "COAST GUARD—OPERATING EXPENSES", after the aggregate dollar amount, insert "(increased by $1,000,000,000)".

SEC. 104. In title VII, in the item relating to "TRANSPORTATION SECURITY ADMINISTRATION—MARITIME AND LAND SECURITY", after each of the dollar amounts, insert "(increased by $400,000,000)".

SEC. 105. Provided further, That of the total amount provided under this heading, $100,000,000 shall be available for administrative expenses; of which not to exceed $25,000,000 shall be for official reception and representation expenses; of which not to exceed $125,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed $5,000,000 shall be for payments or advances to the contractor on contractual obligations, including bursaries and supplements to State and local law enforcement agencies while engaged in cooperative activities related to immigration enforcement; and of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of 90 percent during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary to provide for the security purposes described in cases of immigration emergencies:

Provided further, That uniforms may be purchased without regard to the general purchase price limitation under 5 U.S.C. 3109; and

Provided further, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector:

Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

In title II, in the item relating to "BUREAU OF CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert "(increased by $100,000,000)".

In title II, in the item relating to "BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT—SALARIES AND EXPENSES", after the aggregate dollar amount, insert "(increased by $200,000,000)".

In title II, in the item relating to "TRANSPORTATION SECURITY ADMINISTRATION—AVIATION SECURITY", after the aggregate dollar amount, insert "(increased by $1,000,000,000)".

In title II, in the item relating to "TRANSPORTATION SECURITY ADMINISTRATION—MARITIME AND LAND SECURITY", after each of the dollar amounts, insert "(increased by $400,000,000)".

In title IV, in the item relating to "INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION—OPERATING EXPENSES", after the aggregate dollar amount, insert "(increased by $1,000,000,000)".

In title VI, in the item relating to "COAST GUARD—OPERATING EXPENSES", after the aggregate dollar amount, insert "(increased by $1,000,000,000)".

In title VII, in the item relating to "TRANSPORTATION SECURITY ADMINISTRATION—MARITIME AND LAND SECURITY", after each of the dollar amounts, insert "(increased by $400,000,000)".

We would then add $150 million for aviation security to secure airport perimeters and to strengthen our ability to screen cargo on passenger planes. It is kind of strange to provide screening for passengers if we do not provide it for cargo.

Lastly, we would add $50 million for the Information Analysis and Infrastructure Protection Division in the new agency that is supposed to be the nerve center, the brain, of that agency in targeting what our biggest vulnerabilities are. We would do that by reducing the size of the tax cut that was passed by this Congress. We would reduce the size of the tax cut for taxpayers who earn more than $1 million a year. They are scheduled to get an $83,000 tax cut. We would reduce that tax cut to $83,000. So instead of getting $17.7 billion next year, they would only get $16.6 billion in tax reduction. I hardly think that is laying a scratch on them.

Mr. Chairman, the purpose of the Budget Act was to try to force the Congress to recognize the choices and the trade-offs that are attendant to any budget. The problem is that the way the budget process has been used, we have a situation in which we have a huge disconnect between actions on the tax bill and the consequences that flow in terms of reduced services and reduced security for the country. So I would simply ask that we recognize that this amendment meets essential services. It provides essential services, and it also has the added feature of demonstrating that there is a price to pay for tax cuts primarily aimed at such high-income people, especially when it means and requires that by the time we finish our action on the tax side of the ledger, we have only table scraps left to provide needed services not just for homeland security for that matter but for education, health care, and a number of other crucial items.

For those who say we are invading the jurisdiction of another committee, we say that at the explicit request of the House leadership just a few months ago on the omnibus appropriations bill. So this is nothing new, and I would urge support for the amendment, Mr. Chairman.

POINT OF ORDER

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

There was no objection.

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

Mr. OBEY. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky (Mr. ROGERS) to insist on his point of order?

The CHAIRMAN. Does any other Member desire to be heard on the point of order? The gentleman from Kentucky (Mr. ROGERS) insist on his point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI, which states, in part, an amendment to a general appropriations bill shall not be in order if changing existing law, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member desire to be heard on the point of order? The gentleman from Wisconsin.
Mr. OBEY. Mr. Chairman, I do and I would first raise a parliamentary in-quiry. Could the Chair tell us what rules were waived by the Committee on Rules for consideration of the majority committee's jurisdiction?

The CHAIRMAN. The Chair will read the pertinent portion of House Resolution 293, the rule providing for consideration of this bill in Committee of the Whole, and that portion is: "Points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 and clause 2 of rule XXI are waived except as follows: sections 514, 521, and 522."

Mr. OBEY. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Is it not true that the selective waiving of the rules as cited by the Chair make clear that the Delatoouro amendment and the Sabo amendment, which were offered in committee, were not protected by the rule? That is the practical effect of that language, as I understand it.

The CHAIRMAN. The sections specified in the rule, 514, 521, and 522, are not protected.

Mr. OBEY. So my understanding is that means that the Delatoouro language on corporate expatriates and the Sabo amendment with respect to CAPPS were both precluded from being considered by the House.

Would the Chair answer one other parliamentary inquiry, please. What rules were waived to enable my amendment to be offered on behalf of the mi-
nority?

The CHAIRMAN. The rule does not speak to amendments to the bill.

Mr. OBEY. Mr. Chairman, then let me simply raise a further parliament-
ary inquiry.

The CHAIRMAN. The gentleman may state it.

Mr. OBEY. Because what I think the Chair just said is that the Committee on Rules, in contrast to the way it han-
dled majority provisions, that the Committee on Rules did not make in order a waiver for our side of the aisle.

But let me ask the Chair as a par-
liamentary inquiry, is it not correct that on the omnibus appropriations bill just a few months ago that we amended the Medicare Act not once, but in two separate areas, to provide a 6 percent increase in funding for providers under the Medicare Act, even though that was considered invading another committee's jurisdiction?

Is it also not true that on that omni-
bus legislation the committee was al-
lowed to increase payments under divi-
sion N, section 401(b) of the Medicare Act for rural hospitals? Is it not true that we will be asked to allow the U.S. Customs Service to conduct vehi-
cle inspections on the Canadian side of the U.S.-Canada border? And is it not also true that during the tumultuous debate about what to do about the di-
lemma of the airlines, that we waived rules again to allow the committee to include in its appropriation bill the bailout for the airlines as well as the extension of unemployment benefits to those in that industry?

The CHAIRMAN. As the Chair stated on June 26, 2002, the Chair cannot place issues into historical context; and, therefore, the gentleman has not stat-
ed a proper parliamentary inquiry.

Mr. OBEY. Well then, Mr. Chairman, I would simply say that we would urge the Chair to uphold my right to offer this amendment, because I cannot be-
lieve that the majority leadership would want to see so unfair as to waive provisions of our rules for the majority party's bill, but to not extend the same opportunity to those of us on the mi-
nority side, and to point out that I have just recited four instances where, just a few months ago, the majority leadership insisted that we provide these waivers for these non-
appropriate purposes.

The CHAIRMAN. Do further Mem-
bers wish to speak on the point of order?

If not, the Chair is prepared to rule.

Mr. OBEY. Well then, Mr. Chairman, I wish to make clear that that means that the DeLauro lan-
ded in the rule, 514, 521, and 522."

The amendment, in pertinent part, proposes to increase budget authority to be offset by a change in certain tax statutes under the Internal Revenue Code.

As the Chair previously ruled on Sep-
tember 8, 1999, and July 26, 2001, an amendment to a general appropriation bill addressing tax-rate reduction consti-
tutes legislation in violation of clause 2(c) of rule XXI; and, therefore, the point of order is sustained.

Mr. OBEY. Mr. Chairman, on that I simply move a proper parliamentary inquiry.

The CHAIRMAN. As the Chair stated on June 26, 2002, the Chair cannot place issues into historical context; and, therefore, the gentleman has not stat-
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tutes legislation in violation of clause 2(c) of rule XXI; and, therefore, the point of order is sustained.
For expenses, not otherwise provided for, necessary for the operations of the Bureau of Immigration and Customs Enforcement, $367,605,000, to remain available until expended, of which not to exceed $5,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT); of which not to exceed $15,000 shall be for expenses incurred in complying with the requirements of section 102 of the 9/11 Commission Act of 2007 (Public Law 110-137); of which not to exceed $100,000 shall be for promotion of public awareness of the child pornography tipline, and of which not to exceed $100,000 shall be for Project Alert: Provided, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee severance pay in an amount to exceed $30,000 during the current fiscal year; Provided further, That none of the funds appropriated for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, $2,030,000,000, of which not to exceed $5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99-570 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for expenses incurred in complying with the requirements of section 102 of the 9/11 Commission Act of 2007 (Public Law 110-137); of which not to exceed $100,000 shall be for operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to the Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to State, Tribal, and local law enforcement and emergency humanitarian efforts, $175,000,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2004 without the prior approval of the Committees on Appropriations.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDOR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. Lobiondo: In title IV, in the item "TRANSPORTATION SECURITY ADMINISTRATION—AVIATION SECURITY", after the dollar amount insert "(reduced by $5,000,000)".

In title IV, in the item "TRANSPORTATION SECURITY ADMINISTRATION—AIR AND MARINE INTERDICTION", after the dollar amount insert "(reduced by $12,000,000)".
In title IV, in the item "SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS", after the dollar amount insert "(reduced by $47,000,000)".

Mr. LOBIONDO. Mr. Chairman, I rise today to present an amendment that continues my campaign and the campaign of many others to ensure that our maritime security efforts have as much resources available to defend against the potential disaster of an attack at one or more of our ports. My amendment would increase funding for the Coast Guard by $110 million; $35 million would go to fund the congressionally mandated review and approval of approximately 10,000 facilities and vessel security plans that owners and operators must submit to the Coast Guard next year; and $75 million to help get the critically needed Deep Water Acquisition Program back on track.

My amendment would provide roughly half of what has been requested for support by the Coast Guard for these programs.

Tomorrow in the full Committee on Transportation and Infrastructure session, we will be marking up the 2004 Coast Guard Authorization Act, which provides the funding for these important programs at the level requested and supported by the Coast Guard.

I would add that over 85 Members of the House have sent to the appropriators a letter in support of our authorized level of funding.

At a May 22 hearing before my subcommittee, the commandant of the Coast Guard explained that the Coast Guard would need an additional $70 million to fund 150 full-time personnel to review and approve of the Vessel and Facility Security Plans mandated by the MTSA. If these plans are not reviewed and approved by the Coast Guard, within a year of its submission, the owners will not be allowed to operate their vessels in U.S. waters, and noncompliant port facilities would be shut down.

With 95 percent of our Nation's trade entering and leaving our ports, this will have a chilling effect on our economy. Moreover, without additional funding to meet this congressionally imposed mandate, the Coast Guard will have to divert precious resources and personnel from other traditional missions, including search and rescue, drug interdiction, and fisheries enforcement. My amendment would provide $35 million for this purpose, half of what is needed.

At a June 3 hearing before my subcommittee, the commandant announced his support for the $702 million in funding for Deepwater. This level of funding represents what is needed to counteract 3 years of underfunding and would get the program back on track.

The Coast Guard operates the second oldest naval fleet in the world, and some assets have been commissioned since World War II. Nearly half of the 110-foot Patrol Boat Fleet is in immediate need of repair for structural deterioration and has cost over 6 months of lost patrol days on the west coast. On average, the High Endurance Cutter Fleet is having a fire in their main engineering spaces on every patrol, and the fleet's main search and rescue helicopter is equipped with radar designed and installed nearly 20 years ago. Therefore, the successful and timely implementation of Deepwater would ensure that the Coast Guard would have the modern assets necessary to respond to any threats necessary.

Mr. Chairman, I understand the very difficult decision-making process that confronted the appropriators in drafting this bill. I commend the gentleman from Florida (Mr. Young) and the gentleman from Kentucky (Mr. ROGERS) for their work, and at this point I would indicate my willingness to withdraw my amendment if the gentleman from Kentucky (Mr. ROGERS) would be willing to enter into a colloquy with me.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise to oppose the amendment. Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, will the chairman enter into a colloquy with me on this subject?

Mr. ROGERS of Kentucky. I certainly will.

Mr. LOBIONDO. Mr. Chairman, as I have said, I am willing to withdraw my amendment if the gentleman agrees to work with me as the bill moves forward to increase funding for the Deepwater program and provide additional funding for the review and approval of the Vessel and Facility Security Plans.

Mr. ROGERS of Kentucky. I thank the gentleman for his advocacy on behalf of the Coast Guard, and he has been a champion for his entire career in the Congress.

While I cannot support his amendment, I do recognize the need to provide additional funding for Deepwater and for the administrative costs associated with the review and approval of the congressionally mandated facility and vessels security plans. I look forward to continuing to work with the gentleman from New Jersey to ensure adequate resources are made for these priorities in fiscal 2004.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for his leadership on this issue and recognize the very difficult decision-making process he was confronted with in development of this bill.

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

THE CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE CHAIRMAN. The amendment is withdrawn.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as Members of Congress, our first responsibility set forth in the preamble to the Constitution is to provide for the common defense. In our time, the common defense means protecting our homeland from terroristic attacks as well as federal and military threats to our interests at home and abroad.

The consideration of the first-ever appropriations bill for the Department of Homeland Security could have been a historic opportunity to demonstrate our commitment to the common defense by addressing some of the most glaring deficiencies in our Nation's security. Sadly, it is yet another missed opportunity.

The Republican's Homeland Security bill does not provide the resources necessary to do the job. The Republican bill does not meet the broad needs of our ports, our borders, our air transportation system, and other critical parts of our infrastructure.

In determining the Nation's priorities, the Republican majority has chosen to cut taxes for those who need it least, while shortchanging the homeland security needs of everyday Americans. The gentleman from Wisconsin (Mr. OBEY), the Committee on Appropriations ranking member, showed great leadership with an amendment to provide for America's security, to provide for the common defense, to protect the homeland.

The amendment would have provided an additional $1 billion to improve homeland security by adding $500 million to port security, everyone recognizes that is the minimum figure that is needed to protect our ports; $100 million to assist in the development of an automated vessel tracking system; $200 million to pay either for a year-round marine interdiction program at our northern border or to increase to 6,900 the number of agents patrolling the northern border by the end of fiscal year 2004; $150 million in security grants to airports and overseas maintenance facilities; $50 million for vulnerable assessments at critical infrastructure locations.

Where would this $1 billion come from? The Oney amendment would be paid for by rolling back the tax cut for millionaires, that is, people making $1 million per year. People making $1 million a year or more would have their tax cut cut from $88,326 to $83,326. For that $5,000, for the 200,000 people making $1 million a year, by reducing their tax cut from $88,326 to $83,326, America can be much safer.

What would my colleagues choose, to protect the American people or to give $5,000 more to people making $1 million a year or more?

Mr. Chairman, success in both the war on terrorism and the effort to better protect our Nation and its people will require a sustained effort and a rethinking of priorities. This bill should have been a testament to that resolve; but sadly, it is not. We need to act now to protect the American people.
Recent history suggests that our security could be tested anytime and any place. We know what our exposure is, what our vulnerabilities are. The gentleman from Wisconsin (Mr. Obey) addressed them in his amendment. We must stay alert to the need they face. I want to support him in that regard. We must be ready. We have that responsibility.

Providing for the common defense is enshrined in our Constitution as one of our highest responsibilities. Its importance as a national priority is not reflected in this bill. I want to commend the gentleman from Wisconsin (Mr. Obey) for his leadership. The gentleman from Minnesota (Mr. Sabo) for his as well, and it is with the highest regard for the chairman of the subcommittee who has served in this House with great dignity that I regret opposing what has been put forth by the Republican leadership on the floor today. It again misses an opportunity for the American people.

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

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky, Mr. Rogers, I want to thank the ranking member, Mr. O'Boyle (the gentleman from Wisconsin) will be included.

The American people deserve such protection. Our first responders deserve such resources to assure the protection of the people they serve.

The CHAIRMAN. The Clerk will read.

For necessary expenses of the Transportation Security Administration relating to providing civil aviation security services pursuant to Public Law 107-71, $3,679,200,000, to remain available until expended, of which not to exceed $3,000,000 shall be for official representation expenses:

Provided further, that the sum herein appropriated for airport support and enforcement expenses shall be for passenger screening activities; not to exceed $1,284,800,000 shall be for baggage screening activities; and not to exceed $722,700,000 shall be for airport enforcement presence:

Provided further, that security service fees authorized under section 44040 of title 49, United States Code, are deposited directly in this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section:

Provided further, that the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,609,200,000:

Provided further, that any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005:

Provided further, that none of the funds herein appropriated shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a number of FTEs that are equivalent to the number of TSA agents in our airports, and what he has provided is an additional $1 billion for our first responders above the President's request. He has also decreased to bring down the number of TSA agents in our airports, and I greatly appreciate both of those.

Mr. ROGERS. Mr. Chairman, I would like to take an even bigger step in helping our first responders.

When we look at our homeland security today, we rely a great deal on our fire, police and emergency services; and while we talk about a new Homeland Security Department and funding that Department, most of the people receive a vision of a top-down system that comes from Washington, D.C., and New York City or Washington, D.C., the first people on the scene, to take control of the scene, to rescue those that have been injured or killed in the security area are our first responders.

I do not think we can do enough to provide them the proper training and the proper equipment. I have talked to our police officers, who call themselves blue canaries, because they know that when an emergency occurs, when they close the local levels. But responsibility is when an emergency occurs, when a terrorist attack occurs, whether it is in Oklahoma City or Omaha or New York City or Washington, D.C., the first people on the scene, to take control of the scene, to rescue those that have been injured or killed in the security area are our first responders.
to be a very flush budget in the respect of seeing the number of white shirts with patches standing around. In fact, at my airport in Eppley, just a few months ago, there was an extremely long line, as there was on Monday morning — there had only been 3,000 stations open. And I asked the person why there was only one security station open when there were as many as 10,12 white shirts standing around, and I was told, quote-unquote, they are on break. I called our new security administers in Eppley and the head of TSA, and it was broken down. Now, the people on the scene had a different opinion. But that is just one example.

Unfortunately, over the last few months what we have also seen is not only the vast number of employees standing around but the vast number of passengers standing in extremely long passenger lines. Last week, at Reagan National, it literally went out the door. It literally went out the door, yet there were many employees there working. How does that happen, when there is more employees than there were before and the lines are two or three times longer? We are having record numbers of people standing in lines and a number of complaints coming into our office about our own airport.

Now, I go through a lot of airports, and I have talked, Mr. Chairman, to several people in charge of these airports. I get really extremely harsh criticism from TSA from airport administrators. In fact, one told me that he wanted to find out the background of the security administrator appointed to their airport to see if this person had any experience with civil airports. TSA denied the request, so a Freedom of Information Act was filed and that was denied on PATRIOT Act grounds. So we do not even know if the people being appointed have any experience in providing security.

As you may know, Mr. Chairman, the place where I am from, Omaha, Nebraska, I know there were two or three people that would have been grade-A plus in security, yet they were denied for someone we do not even know the background of. And how many of us have similar experiences total? So, Mr. Chairman, I understand your position and I respect it, but I stand by my amendment to help our first responders.

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

Let me say, Mr. Chairman, I reluctantly, very reluctantly rise to oppose this amendment. The gentleman is a good Member, and he has expressed heartfelt thoughts here. And, goodness knows, I have expressed very serious and long-standing reservations about the number of screeners that TSA has deployed in airports throughout the country. But in any event, I will let the bill before this committee already reduce the number of screeners by another 4,600 in fiscal 2004, and that is on top of the 6,000 screeners that will be laid off between now and September of this year. That would be a reduction from current levels, roughly, of some 10,600 less than we have now.

In the 2002 bill, when it was in Transportation, we capped the number of screeners at 45,000. This cut the gent- leman’s amendment, thus was well below that cap. This further reduction of $20 million from the screener fund would require them to lay off another 500 to 1,000 screeners on top of what I just mentioned. That would take us well below the 45,000 level that we had set in the bill that went to the Congress as the maximum level at TSA.

The monies the gentleman would take from TSA he would give to the first responders, and heavens knows we want to give them all we can, but in this bill, as the gentleman mentioned, we are already $1 billion for first responders above what the President requested, and some $200 million plus above what the current level of spend- ing for first responders is. So I just think that it would be inappropriate to adopt this amendment, as much as I sym- pathize with the gentleman’s philos- ophy in offering it.

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

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

Mr. SABO. Mr. Chairman, I would like to join the chairman in opposing the amendment. The committee and the chairman have been very tough task to deal with the large number of screeners. We have been urg- ing them for a long time to use more part-time people and to make more ef- ficient use of their personnel. On the other hand, if we get too harsh, there may be imbalance around the country in terms of where there are vacancies and where there are an overabundance. So if we get too tough, we can be very counterproductive.

I agree with the chairman that full recommendation is not present, but the committee has been very disciplined in dealing with TSA, and I would join the chairman in opposing this additional cut.

Mr. ROGERS of Kentucky. Reclaim- ing my time, Mr. Chairman, I thank the gentleman. I would rather that we let the TSA absorb these cuts that we already have in place, which will cut 10,600 screeners by the end of 2004. Let us do this before we take further steps. We can assess it at that time. If we still have a problem, I would be opposed to this amendment, as much as I sym- pathize with the gentleman’s philos- ophy in offering it.

Mr. SABO. The CHAIRMAN. The question is on the amendment offered by the gent- leman of Texas (Mr. Terry).

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

Mr. Chairman, I was intending to offer an amendment to the title of the bill, but the amendment is to increase the appropriation in the bill by $5 billion for the purpose of stationing American inspectors in every foreign port from where ships leave for the United States in order to inspect every container before it is put on a ship bound for the United States. Unfortunately, I could not find a $5 billion off- set in this bill. What I wanted to do, obviously, was to reduce the tax cuts, the hundreds and hundreds of billions of dollars of tax cuts, by $5 billion to offset this. But the rules of the House do not permit that, so my hands are tied.

Let me address for a moment the ne- cessity of this amendment, if not in this bill then elsewhere. The greatest danger this Nation faces, which we are not addressing in any real shape or form, is that some terrorist group, al-Qaeda, whoever, or some rogue nation, will get hold of a nuclear bomb and attack the United States. We are spending about $100 billion on an anti-ballistic missile system ostensibly to keep us safe from a rogue nation, yet we think about it a minute. The leader of any rogue na- tion who had a few atomic bombs and wanted to attack the United States would not put them on a missile, be- cause the missile has no address. We would know from where the missile came, if God forbid someone attacked American cities. That leader would know that if he launched nuclear- tipped missiles at American cities, his country would cease to exist, along with his regime and him, would cease to exist a half-hour later. So he would not put the atomic bombs on a missile, he would put them in a ship.

Mr. Chairman, six million shipping containers come into this country per year. We inspect less than 2 percent of them. Ninety-eight percent of those six million containers, for all we know, have atomic bombs in them. It does not do any good to inspect them in Newark or New York or L.A. or L.A. or L.A. or L.A. or Los Angeles or anywhere. So we think about it a minute. I know Secretary Ridge and others are saying we are going to set aside a few hundred million dollars and send some inspectors to foreign ports to look at some high-risk con- tainers. High-risk? Well, if we look at the high-risk containers, the bombs will be in the low-risk containers, or at least those that used to be low risk.

Mr. Chairman, the catastrophe that could be caused from one atomic bomb in an American city would make 9/11 look like child’s play. That catastrophe would cost half a million lives imme- diately, probably trillions, trillions in economic damage. We cannot afford to rip out our anti-ballistic missile system in an American city. President Bush said, when he was trying to motivate a war with Iraq, that we could not wait for the mushroom cloud. Well, I am not so sure the facts justified that reference with re- spect to Iraq, but I certainly justify that reference with respect to six million shipping containers coming into this country with God knows what inside.

Mr. Chairman, my amendment that I would have offered, if the major- ity did not prevent me from offering this amendment, would have appropri- ated $5 billion, which is little
enough for this purpose, and would have sufficed to enable an American inspection team to see to it that no container, not one container, is put on any ship bound for the United States in a foreign port until that container is searched and verified by an American inspection team in the foreign port to say there is no weapon of mass destruction on board that.

Mr. Chairman, if we do not do this, during the war that we are engaged in now, and for the next 20 or 40 years with the terrorists, then we ought to have our collective heads examined. Any American city could be destroyed, millions of lives lost by one atomic bomb in any container in any ship. We cannot afford not to spend the money to search and inspect every single container, whether our intelligence people think it is a high-risk or a low-risk container, every container in a foreign port with an American inspection team to make sure there is no weapon of mass destruction on board that container.

For $5 billion, Mr. Chairman, we could do that. Five billion dollars a year, 2 percent to 3 percent of the trillions of dollars in tax cuts that we have passed in these last 2 years. Where does the risk lie for the American people? I would urge, and I would challenge the Bush administration to make the $5 billion a year available to institute this and to say to foreign countries that no container gets put on a ship in their port without being inspected first by an American inspection team.

And, by the way, if they did not want an American inspection team in their ports, that is fine, they are sovereign, but they cannot ship anything to the United States. We must hermetically seal this country from nuclear bombs possibly contained in ships, and this is the only way to do it. The failure of this Congress and of the administration to deal with this subject seriously is one that I hope will not result in a catasrophic catastrophe for the American people.

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

Mr. Chairman, I could not let the gentleman's statement go unanswered. We cannot talk in this forum about all that we are doing in searching container freight and other freight. I would be happy to talk to any Member privately about it, but we cannot talk about all that we are doing in a public forum because it is sensitive information.

However, the Customs and Border Protection Agency tells me that they are inspecting 100 percent of all high-risk cargo based on collecting advanced information such as manifests of dollars, intelligence, and targeting systems. I have had the experience of going to some of those ports myself and watching the operation. Watching as we use the equipment on those containers that we do search and at the ones that we physically search.

The 2003 spending bill had monies in it for a thing called the Container Security Initiative, essentially operating at about 20 megaports and several smaller ports all over the world. The idea is to push the perimeter of defense off of our shores. We all know if a bad container gets to us, it is too late. If you catch it only when it comes to port, it is too late. So you have moved offshore to 20 megaports now, places like Rotterdam, Singapore, and the like, and inspecting and searching and securing containers before they ever sail for America.

Mr. Chairman, the bill provides $62 million to expand that to 30 megaports around the world and especially those in very sensitive parts of the world.

Now we already have in place $165 million from the wartime supplemental that we passed for additional inspectors, agents, technology and $129 million for additional inspection technology. The monies will be used to push the border out to these 30 foreign seaports through the Container Security Initiative, but there is also $12 million for government-private partnerships to tighten security in primary facilities. We have to continue what is called the Operation Safe Commerce to make smart containers and our supply chain even more secure. I want Members to know that we are focusing exactly on what the gentleman has talked about, and that is container freight. There are more than 17 million containers a year, there is 17 million a year; 7 million comes by sea, 12 million by land across our borders with Mexico and Canada. It is a huge problem to deal with.

However, if we stop and search physically every single container regardless of whether or not it looks to be suspicious for some reason, we would absolutely shut down commerce in the world. So much of our commerce depends on this industry. But you and I think we are going about it the sensible way. I am convinced after having visited several ports, spending a lot of time with the folks that are doing this, looking at the machinery and the results and how they go about doing it, that we are doing as good as we can in the span of time that we have had. Obviously it is going to get better. We are going to keep pushing at it. That is the reason we have loaded this bill down with money in it, to the tune of $185 million. I thank the gentleman for bringing this issue to us so we can discuss it.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to pick up where the last two speakers spoke, and that is the question of port security and what we know or do not know about the 20 million containers that come across America's borders every year, come into truck and train traffic, and so forth. That is true. I have to say that I appreciate that the committee is doing a lot. The question is when will the committee be done doing its work, and when will the Nation say that it knows enough about the containers coming into its ports. I am not sure that we can inspect every port, but what is very clear is the amount of information that we have to put out about these containers from the point of origin to the time that they embark for the United States is incomplete. Even the effort to go into the megaports, which I think is important since some 80 percent of the commerce is shipped through those ports, that does not tell us, that does not give us the kind of information about the containers even coming to the megaports. That is what has to be established. A system, a credible system has to be established so that those individuals responsible for the security of this Nation and the movement of those containers across the borders of this Nation are able to make an assessment as to the security of this Nation posed by those individual containers.

And, by the way, we are not going to be able to inspect every one of them because commerce is not going to allow us to do that. It would break down the system. But we can require a great deal more information about the contents of that container, the sealing of the container, the movement of that container, through electronic locks, through GPS systems, so we can start to trace that. Then we can make our decision upon risk. But by the time that container gets to the port of Hong Kong or Long Beach or Oakland, California, it is too late. If one of these containers go up with a dirty bomb, you will shut down the globalized container system in this world because we then will have to inspect every container. That is too late. That is far too late.

The terrorist does not just have to strike. As we saw, terrorists now understand that beyond the initial act, the economic. They now see what that means. But if they are going to come to the United States and they want to do our people harm, they put in a nuclear device, they put in a dirty bomb, inspecting it in the Port of New York, the Port of Long Beach or the Port of Oakland is far too late. It does not matter if it goes up on the ship once it comes through the Golden Gate, if it goes up on the port property, or it goes up on the railroad train, that is too late. Of those, we are inspecting 2.4 percent of the containers.

At some point we have to establish a deadline so that people will know, as the gentleman from New York (Mr. NADLER) said, if they want to engage in commerce in the United States, an inspection system has to be in place going back to the point of origin to follow that container all of the way.

We did this in the oil spill liability payments after the Exxon Valdez. We did it in 25 years if you want to continue to have access and ship petroleum products to the United States, you will do it in double-hulled ships. We should
be saying to the shippers, to international commerce, by 2004 or 2005 if you want to continue to have access, you have to provide for this monitoring of cargo, for the transparency of the system and the monitoring of the ships.

We have some 40,000 ships roaming around the world with containers on them. This is the kind of system that the American public is entitled to, and why so. As the gentleman from New York (Mr. NADLER) pointed out, many of the experts which have been briefing Congress since September 11, 2001, have been telling us we are more likely to have a dirty bomb come into this country by way of container than we will ever have the risk of it coming in by way of missile. That is the threat to the home front. That is the major threat.

What we see here, while we are taking these incremental steps and I applaud many of them, we do not have a plan for determining what point this is going to be a secure system. We have to start putting deadlines on the transparency of this system, on the security of this system, and access to the American markets. That is how we are going to get under control of this system.

The gentleman from New York is right. The Container Security Initiative, the Operation Safe Commerce, the Customs Trade Partnership Against Terrorism are all important initiatives, but they are taking too long. They are taking too long. What is the price of security? What is the price of the home front? What is the price of a secure port system and a secure transportation system? Those are the questions we have to start asking ourselves, not whether we have put in another $100 million or $200 million; is the system secure. Right now we cannot tell the American public that in the foreseeable future that our system is secure.

Mr. Chairman, I ask unanimous consent that an amendment be made to the request of the gentlewoman from Kentucky (Mr. ROGERS) reserves a point of order.

Mr. Chairman, I reserve a point of order.
Mrs. MALONEY. Mr. Chairman, the al Qaeda has not gone away, and we know al Qaeda does not choose its targets at random, it chooses targets to inflict the greatest numbers of casualties, to do the greatest damage economically, and to get the most publicity. We were reminded that New York is still a target when the Attorney General announced that an al Qaeda terrorist was targeting the Brooklyn Bridge. He was de- terred from attacking the bridge by the efforts of the New York Police Department.

This is just one example of how since 9/11 a large share of the burden of providing for the national defense has fallen on our cities. In Congress we have provided some funds to help. We even sent part of the money to where the need is. In fiscal year 2003, we provided $2.9 billion for grants to State and local governments to help them prepare for and defend against terrorist attacks. We even said that $800 million of that should be directed to where the threat is greatest. That is about 30 percent. The rest of the fund went under a formula that is entirely unrelated to where the threat is.

In fiscal year 2004, $800 million was in the supplemental. How- ever, that money has not been spent. There is $800 million laying there. Why? Because the grant application process is not up until July 7. We have not proc-essed the applications yet. Those monies are set to get. I do not think it is appropriate to put more money where it be- longs to protect high-threat areas like New York City.

Mr. ROGERS of Kentucky. Mr. Chairman, I again hope that when we have our negotiations, when we have our conferences that we will be able to put more money where it be- longs to protect high-threat areas like New York City.

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

I am compelled again to talk about New York. All of us here are sympa-thetic, understanding, we want to help; but I feel compelled to lay out some facts that have not been laid out here. The fiscal year 2003 bill, we gave $800 million in that bill for the high-threat, high-density urban area grants and the discretion of the Secretary. $100 million was in the fiscal year 2004 bill. The fiscal year 2003 bill, we gave $800 million in the supplemental. However, that money has not been spent. There is $800 million laying there. Why? Because the grant application deadline for that first $100 million just ended on June 16, a couple of weeks ago, and has not been rescinded. The application deadline for the $700 million that was in the supplemental is not up until July 7. We have not proc-essed the applications yet. Those monies will be going out there, to New York, and the other high-threat cities.

In addition to that, what I am saying is, I guess, have a little patience. Number two, when the President’s request...
came up to us for fiscal year 2004, there was no request for high threat, high-density urban grant moneys. Zero. The subcommittee worked on it, and we put in $500 million. Now people call that a cut.Boy, that is a strange use of the word. We increased it to $500 million. If the Secretary thinks we ought to change that, then he needs to send us a budget supplemental and amend his request and we will consider it.

However, all of the other grant programs, and there are six or seven of them, there are basic formula grants, there are law enforcement terrorism prevention grants, there are critical infrastructure grants, there are firefighter assistance grants, there are emergency management performance grants, there are emergency operations centers grants, all of which New York is eligible to apply for. We increased those funds over what the President wanted us to by $1 billion. So that now there is $4.04 billion available in those grants, and I do not think there is any way you are going to get that type of an increase. And I guess just by the odds and by the importance of New York that when you apply for those grants with the increased numbers there, all of these grants, you are probably going to wind up writing more than you got last year. But, please, have patience and understand that the rest of the country is interested in this as well. We want to help you, but I ask for your patience and understanding.

Mr. DAVID of California, Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendments offered by the Members from New York. While it is true that we do not know where the next attack may be and that the entire Nation is vulnerable, I believe that it is important to recognize those areas considered as high-threat and high-density. The gentleman mentioned that there are other cities involved and, of course, we know, as the gentleman from New Jersey, San Diego as an example. San Diego is home to nearly 3 million residents and hosts millions of tourists annually. It is one of the regions that I believe Secretary Ridge has spoken about. In fact, he voiced those concerns when he visited San Diego recently. We have an international border and ports of entry, a coastline, a seaport, a busy airport, several major highways, a coastline, a seaport, a busy international border and ports of entry, a coastline, a seaport, a busy

Mr. BRADY of Texas. Mr. Chairman, I would first like to commend the gentleman from Kentucky (Mr. Rogers) and the gentleman from Florida (Mr. Young) for their leadership and hard work on homeland security. I rise today in support of the Weiner-Brady-Fossella amendment to make our homeland security budget smarter and more transparent. We are at war in this war on terrorism. In war, there are likely targets and there are less likely targets. You protect them both. I know that Chairman Rogers and Chairman Young have fought hard to make sure we do exactly right, protect both likely targets and less likely targets.

What this amendment does is focus on those communities, on those States that will likely be and have been identified as high-threat, high-density urban areas. The States that have these high-threat communities include much of our country, New York and California, Texas and Illinois, Arizona and Colorado, Florida, Hawaii and Georgia, Massachusetts and Maryland, Michigan and Missouri, New Jersey, Ohio and Pennsylvania, South Carolina, Tennessee, Washington and the District of Columbia, all States that are host to urban areas that are at high risk and high threat of a terrorist attack. This amendment targets $200 million and shifts it to the high-threat, high-density urban area funding. Part of the community that I represent, Houston, Texas, is on that list of top 10 communities. It is, I would imagine, as a result of both high-threat areas and high concentration of al Qaeda terrorists, from information received from interviews with al Qaeda operatives and Houston is, of course, the energy capital of the world. It is home to more than 50 percent of the oil and gas refining in this country. If you were to target high-threat areas, if you chose to bring this country down by taking down our energy pipelines or our oil and gas facilities, this is where you would start. But we are not the only community at high risk and high threat of a terrorist attack. There are many throughout this country.

The amendment that we seek from this amendment is making sure that these communities have a pool of money with that threat. More importantly, we make sure that when other communities are added to this list, when they suddenly become at high threat and a high-risk community, the money they are going to the Federal Government for help, they are not told, we're sorry, we sent this money to other regions, less likely, less at risk, but that was the money we had. Unfortunately for all our efforts, and I know our government moves so slowly, even with the best intentions, I am afraid our communities do not understand our grant application process. I do not think they understand our time line. I think our communities are at risk today. We offer this amendment in good faith, with the recommendation that our chairman is in trying to protect communities of all size and all risk.

Mr. WEINER. Mr. Chairman, I move to take the last word. I want to thank the gentleman from Texas, the gentleman from New York (Mr. FOSSELLA), the gentleman from New York (Mr. NADLER), and others with whom we worked. I want to thank the gentleman from Kentucky, the gentleman from Minnesota, the gentleman from Missouri, and others who have worked so hard to get that number as high as we can get it. There also, I believe, can be no other answer but yes to the question, do some areas have greater costs than others? Are there greater costs in parts of California, in States like New York? I will give Members an example. It is costing New York City $13 million a week to deal with the needs of homeland security. A week. If you drive over the Brooklyn Bridge at 3 o'clock in the morning on a weekday morning, you will find both lanes inside closest to the stanchion with a fixed patrol car sitting there all day, all night, because of the national security threat that exists. That is more police man-hours than many police departments, and that is something that New York is absorbing because of these risks.

Another question that is a little tougher to answer, but I know how I would answer. When the Chairman asks how homeland security funds get divided? Should it be my distinguished colleagues on the Committee on Appropriations and those of us in this body,
or should it be Secretary Ridge and the administration? I vote for the gentleman from Kentucky and the gentleman from Minnesota and others here in this body, but I think we should keep in mind what Secretary Ridge has said.

Secretary Ridge has said very clearly, in fact, just within the last 24 hours, that he believes that the present way we are distributing the money should be changed. He said “distributing those dollars according to the old formula, I don’t believe we get maximum security for the dollars that are expended at the national level.” This is continuing the quote: “I’d like to see the numbers significantly higher than $500 million.”

He goes on to say, “I think every State should be given a certain amount of money,” a sentiment that I agree with, “but at the end of the day, I do believe that there are some communities and regions that need more money.”

Continuing the quote: “I have concerns about the distribution formula, [where] We just basically send out dollars to States and localities on a formula that does not consider infrastructure, doesn’t consider anything other than population.” I do not believe that is where we at this House, and frankly I do have great confidence in my colleagues deciding how to distribute the money, but we do have to recognize that this is not just a New York City issue, as the chairman alluded to previously. This is an issue that affects about 30 different States and localities all around the country. The gentleman from Texas articulated the needs of his district. Others have come to this floor and talked about their cities and States. The fact remains that there are certain cities and certain States that unfortunately are more likely today to be targets of terrorist attack than others and have to take steps that cannot be avoided. If for no other reason, many of the trials that are being held of those that are accused of terrorism are being held in New York City. Just the enforcement costs in Washington, D.C. and suburban Virginia, in New York City, in Chicago, Illinois, in one case, just those costs are much higher than they are elsewhere. There is a large increase in the overall formula grant, and I think the committee deserves great credit for this. What this amendment seeks to do is take the $700 million that was allocated last year, increase the state grant just to that $700 million. That still provides a $700 million increase in the basic formula grant, and I believe that that is a healthy step.

I, however, want to say in closing, I want to close the way I began, I do believe the chairman in his colloquy that he entered into earlier has already articulated his desire to get the money where it needs to go. I do believe that this amendment that gets the chairman and gets our House to that place.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I would like to ask the gentleman from Kentucky (Mr. ROGERS) a question.

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

Mr. SABO. Yes, Mr. Chairman.

Mr. ROGERS of Kentucky. Mr. Chairman, I would be happy to answer a question.

Mr. SABO. Mr. Chairman, did I just hear correctly a little while ago that the Secretary’s request of our committee for the high-threat urban grant was zero?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. And our committee has recommended what?

Mr. ROGERS of Kentucky. Five hundred million.

Mr. SABO. Five hundred million. And this goes to a limited number of communities in the country?

Mr. ROGERS of Kentucky. It goes to the so-called high-threat/high-density urban areas of the country, and I think they are talking probably of 20 cities or less, in the complete discretion of the Secretary.

Mr. SABO. Which criteria that many of us have trouble understanding yet. The balance of the money flows by formula to the States, including the States that are eligible for this additional $500 million?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. Reclaiming my time, for those of us who come from the heartland of the country, we are having discussion over how much money should go to ports. We have allocated a significant amount, and others would like to allocate more. My assumption is most of that goes to the harbor.

Mr. ROGERS of Kentucky. I would guess so. But there are not many ocean ports in Minneapolis, I do not think.

Mr. SABO. No. We do have a river one but fairly small. So I think it would be fair to say we made a special effort to try to allocate more money to ports, that that will go to a limited part of the country.

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. But we find that when we raise threat levels in this country, the law enforcement and local responders are expected to respond throughout the country and they have the same problem, over time, training, teaching people how to use new equipment, wondering what it means, increasing pressure on local law enforcement. What I hear from all of them is that their expenditures exceed whatever revenue they are getting from the Federal Government. I expect the gentleman hears the same thing.

Mr. ROGERS of Kentucky. I hear the same thing every day.
the best way? We could do it in a lot of different ways. We can root out the terrorists overseas as our great brave men and women are doing in Iraq and Afghanistan and around the globe. That is one way. We have great local police departments and federal law enforcement officials, intelligence officials who try to root out evil before it peps its head, and we can allocate funding to the places that need it the most. And I know there may be a fundamental difference as to where that money should go, and that is okay. But if the Members asked me how I stand up here and proclaim that not just New York City but those areas that we have defined as high-threat areas should get a disproportionate amount of this money. Exhibit A is September 11. Exhibit B demonstrates that the terrorists sought out places like New York City. Why? Because it is the capital of finance, the capital of the world in some people's minds, and, indeed, we hope and pray they are not, but, indeed, they are out there trying to do the same thing right now. So if the Members ask me why we are here to try to shift the money to what we think is a priority, I think I would say that I do not ever want to see something like September 11 happen again. And with all due respect to the towns and villages around the country that wrestle with this problem every day, I think it is common sense to suggest that some areas could be more targeted than others. I do not think there is an American who would not say every town is equal in that respect. So I would hope, and I take the chairman at his word because I have immense respect for him, for the people who he has around him, to work with us to ensure that not just New York City, but those urban areas full of American citizens get that funding they need.

It has been brought up before what Mr. BRADY and the gentleman from Texas (Mr. SWEENEY) has worked hard. He mentioned the Brooklyn Bridge. Go to any bridge in New York City, any tunnel, 24 hours a day, people scanning cars, checking cars, checking trucks. Why? So that anybody coming into the city can feel more free and secure. That is what debate is about. And I am hopeful that the good chairman can put this into action, and I believe him, will follow through and use all existing systems to ensure that these cities and urban areas get what they deserve and get what they need.

Tom Ridge. Well first of all, I share both the Governor's and the Mayor's concern to reduce distributing those dollars. According to the former governor we would be at maximum security with the dollars that are being expended at the federal level. We are going to work to get that number as high as possible. Having been a member of Congress for twelve years, that's the beginning of the process. The House has had a number in mind. They've passed that and I hope they will continue with that. There's still a long way to go, but I would like to see the number risen, significantly higher than the $500 million. Reporter, Mr. Secretary, have you given the Governor and the Mayor a specific limit, a specific amount of money?

Tom Ridge. No, I think we are all in agreement that it would have been a nice place to start with the 750. If we can get the Congress to restore that quarter of a billion dollars, that would be a great place to start. To finish that, there would be at least preserving the status quo. As for the supplemental, we got about $700 million and I think at least preserving what we are able to distribute based on terror threat. At the end of the day I would hope we could put up a capacity to protect the infrastructure, and the capacity to respond, and the capacity to prevent a terrorist attack. But at the end of the day we do understand that communities, as I understand it, would have those factors around and weigh those factors it ends up at the top of the list and its New York City. I think every state should be given a certain amount and we could allocate. So I appreciate the sentiments being voiced here today, Michael. That is very nice to hear him say that.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I appreciate, as do other speakers, the hard work of the Members of the Committee on Appropriations and of the chairman and ranking member of the homeland security subcommittee. The bill before us provides $500 million for 47 high-threat/high-density areas, 47 cities. People are talking about New York. We are talking about 47 cities that are high-risk areas, $500 million. The bill also provides, as I understand it, $1.9 billion for the rest of the country. Low risk or less than high-risk areas. The amendment would change that somewhat to make it $700 million for the 47 high-risk areas, $700 million for all 47 high-risk areas as well as $2 billion for the low-risk areas or less-than-high-risk areas in the rest of the country. By way of comparison, just keeping police officers on duty costs the City of New York, one high-risk area, $676 million a year. This amendment would make $700 million available to all 47 high-risk areas. So we are talking about a small fraction of what any of these high-risk areas are spending.

There is not enough being allocated, there is not enough that we could allocate, for all the high-risk areas and the rest of the areas. All some of us are saying here for New York, for Pennsylvania, for Illinois, for Houston, for Texas, for other high-risk areas is that we should be a little more rational in allocating the funds a little more on the basis of where the heavier expenditures are necessary because of where the risks are and how much it costs to guard against those risks and a little less in the unihplicable. Having been a member of Congress for twelve years, that's the other half of this allocation.

Now, I understand, of course, that in the end the committee and the conference committee are going to make this allocation. What we are saying now is we want to bring to the attention of the body some of the considerations that say that there should be a little more rational, rationality, to put a little more of the money for high-risk areas where so much more is necessary. I appreciate the work that has been done by the committee and the work that will be done. I hope the committee will see its way clear to balancing this a little better, not for New York alone, but for the other 46 high-risk areas which have billions of dollars that have been spent on this, not hundreds of millions.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words. I would simply like to observe one fact, Mr. Chairman. I understand that some of the reasons why so many members of the New York delegation are exercised on this issue today is because Mr. Ridge, who is the head of the Homeland Security agency, was quoted in the newspapers saying that, yes, it was absolutely true, there ought to be more money for high-threat areas. That is very nice to hear him say that.

The problem is, his budget, the budget presented by the President on behalf of his agency, had not one dime in for that purpose, and this committee put $1.9 billion in that was put in in the omnibus just a few months ago.

So I appreciate the sentiments being voiced here today, but I would point out that since this House passed a tax package which has taken away this committee's ability to provide funding that we ought to be providing for this and other high-priority areas in this bill, it seems to me that at this point, rather than asking this committee to go double hernia trying to do something which is fiscally impossible, given the budget caps that we have been provided, it seems to me what he ought to do is march down to the White House and tell the President to amend his budget and his tax bill so we can afford his legitimate request. Without that, to me, at this point, we are just flap-jawing and we are not going to have any real opportunity to help the areas of the country you are talking about, except by hurting other areas of the country.

The Republican tax package which my colleagues voted for on that side of the aisle has put us in this position

H5768 CONGRESSIONAL RECORD—HOUSE June 24, 2003
where, if we are going to deal with problems in one section of the country, we have to beggar thy neighbor. I am not very enthused about that. I think New York and other high-impact areas deserve this money, but I think the rural areas do too; and I would simply say that short as this bill is on this item, it does a whole lot better by that part of the country than the President’s recommendation.

So the first thing I would say to Mr. Riddick is, go back to Washington and lobby your President, to ask him to put in the money that you told the New York folks was necessary. Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to probably not take the full 5 minutes because, in part, I am going to reiterate some things that have already been said. I would also like to point out the fact that the Chairman of the subcommittee engaged in, in part, in reflection of the last two amendments in particular, which I think point out the real difficult task this subcommittee, this chairman, and the ranking member faced in the course of putting together this plan.

In stating the obvious, I will agree with the ranking member of the overall committee. It is quite clear that there apparently has been a change at the administration; that the current plan or the current structure of the plan that was sent forward has changed significantly, certainly overnight, and it is somewhat in the fact that my colleagues in the New York delegation have come to the floor and have argued vehemently. But they are not new to that argument. We have all been making the case that we are not quite sure whether there is enough money in high-risk, high-density funding in this particular program. But I can tell my colleagues that not anyone, Mr. Chairman, in this Chamber, in this House, and in this Nation can tell us that we have appropriated enough at this point in time. That is exactly the point, exactly the point that I think the chairman of the subcommittee has been making.

Given the information we have now, given the areas that has been appropriated and flowed out, given what we know in terms of the expenses, and we talked about it in that colloquy earlier, we are trying to meet those needs, that this House has recognized that needs exist in specific areas that rise to a certain level above what the rest of the community is, and that it is somewhat grossly unfair for us to have to make those determinations on where exactly all of this goes, taking possibly from the areas unequally and giving to another area.

But it is absurd to make the point or argue that there is not enough money there. We have appropriated billions and billions of dollars, and what we see here in place is a work in progress. I would say to my friends from New York especially, but to those from other parts of the country who have introduced the last couple of amendments who would like to see us take from one fund to the other, that that is not the appropriate course at this time, given the information that we do have. I actually trust the notion that when we go to conference, the very people who created the high-risk, high-density fund, the gentleman from Kentucky (Chairman ROGERS), and everyone of the committee, are in the best place to determine what that appropriate funding is going to be. I have a little bit of confidence that we are going to be able to meet that need.

There has been an acknowledgment on this floor by the chairman, by this committee, that the work is incomplete; that there are needs that are not going to be met. It is not just here in high-risk; it is in a lot of other places. But given the opportunity to examine that, I hear the call from the chairman, and I have every bit of confidence that we are going to be able to do that, to determine what that appropriate funding is, putting together this plan.

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

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

Mr. BRADY of Texas. Mr. Chairman, based upon the gentleman’s comments, the hard work that the gentleman has done, and I know that this is a key issue and I appreciate the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. FOSELLA) and others who are involved in this, and I appreciate the strong leadership of our chairman, the gentleman from Kentucky (Mr. ROGERS); and based upon this discussion today, based upon the hard work, because we all try to raise the level of funding for our communities, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE III—EMERGENCY PREPAREDNESS AND RESPONSE

ADMINISTRATIVE AND REGIONAL OPERATIONS


BIO DEFENSE COUNTERMEASURES

For necessary expenses for countering potential biological, chemical, and nuclear threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

PUBLIC HEALTH PROGRAMS

For necessary expenses to prevent and respond to terrorist attacks, $25,000,000, to remain available until September 30, 2003: Provided, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $3,418,000,000 may be obligated during fiscal year 2004.

GRANT PROGRAMS

For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Program and pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not to exceed $1,250,000,000 during fiscal year 2004, of which not to exceed $1,250,000,000 shall be available during fiscal year 2004.

To carry out an emergency food and shelter program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for necessary expenses for emergency food and shelter programs to carry out emergency food and shelter programs pursuant to title III of Public Law 100-77 (42 U.S.C. 5131 et seq.), $153,000,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER

Provided, That total administrative costs shall not exceed 3½ percent of the total appropriated.
Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to, first of all, before I enter into a colloquy with the distinguished chairman, thank the chairman of this subcommittee. Before it was created, the leaders on this subcommittee were instrumental in helping our first responders.

There has been a lot of rhetoric about this Congress not doing enough for the responders. Let me say to my colleagues in this body that before 9-11 occurred there was no program to assist our first responders nationwide, nothing. And Congress has, over the past years, had plenty of opportunities, but never saw fit. And disasters were not new. We had them all during the history of this country.

It was this Congress in 2000, with the leadership of the distinguished chairman of the full committee and the distinguished chairman of this subcommittee, and we saw the moment that the nation needed a grant program for our 32,000 fire and EMS departments in America. That was created in 2000, the year before 9-11. Initially, it was funded at $100 million. It went to $300 million, and this year, the leadership of the distinguished chairman from Kentucky and the support of the ranking member, the support for our firefighter grant program is at $715 million.

Many of our colleagues have said it is the most popular and most successful program that Congress has created. We are doing good work on behalf of the Nation’s first responders. I want to applaud this subcommittee for their outstanding efforts and let them know, as the founder and chairman of the Fire Caucus and a former fire chief myself, they have done outstanding work; and it is paying dividends all over the country.

So, Mr. Chairman, and Mr. Ranking Member, thank you for your strong support of the Nation’s first responders.

Mr. Chairman, I rise today to engage in a colloquy with my colleague, the gentleman from Kentucky (Mr. Rogers), the distinguished chairman of this subcommittee, regarding a very important program called FIRESAT.

Mr. Chairman, one need not look further than the news reports of the destructive and violent wildfires in Arizona. In 2000, over 8 million acres of pristine wilderness burned, and Federal agencies expended more than $1.3 billion in fire suppression costs. Last year, in 2002, wildfires scorched over 7 million acres. Hundreds of homes were destroyed and firefighters gave their lives.

FIRESAT is a satellite system that is able to detect wildfires in their early stages while they are still less than 1 acre in size. While the tools are at our disposal to save lives and billions of dollars, the equipment for this program remains boxed in offices in Reston, Virginia. This project can be fully activated with the necessary security upgrades and software upgrades in time for the fire season this year for $7.5 million. In relation to the billions of dollars lost in these wild land fires every year, this is truly a smart investment. Finally, Mr. Chairman, we have the means to do something about this.

FIRESAT was originally labeled the Hazard Support System and developed by Ratheon with funds which I obtained from the Department of Defense in 1997. The system was subsequently transferred to the Geological Survey and NOAA who, for unknown reasons, did not request funds for the program in their budget. At the request last year of Joe Albaugh, the director of FEMA, we successfully transferred the system, now named FIRESAT, within the Homeland Security Act to the Department of Homeland Security’s Directorate for Emergency Preparedness and Response.

Today is our opportunity to install a commonsense solution to the annual wildfires that wreck havoc to communities and forests all over America and place countless firefighters in danger. I hope that under the leadership of the gentleman from Kentucky (Mr. Rogers), the security plan will proceed, and we are helping to fund this economical and much-needed program.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Kentucky.

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

Let me return the thanks. The gentleman from Pennsylvania has been our leader in the Congress for first responders, not just firefighters, but first responders in general; and he brings an expertise to this job not just from an educational point of view, but he is back there with them. So I want to thank him and his leadership on these issues and for bringing this very timely subject to our attention.

Considering the devastation that wildfires cause to our Nation each year, I look forward to working with the gentleman during conference so that we can address this important matter.

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

Mr. Chairman, the House is set to pass a Homeland Security Appropriations bill that falls well short of where our country needs to be to effectively combat our greatest vulnerability: the threat to our Nation’s port facilities.

Today, in the Democratic Caucus Task Force on Homeland Security, we had the opportunity to hear from Rand Beers, who recently resigned from President Bush’s National Security Council because he said that “the administration wasn’t matching its deeds to its words in the war on terrorism. They are making us less secure, not more secure.”

He told us that our Nation’s port facilities are crying out for protection and that the administration’s neglect of the issue was a cause of great concern and puzzlement for him.

The Coast Guard says that the cost of infrastructure improvements to secure our ports for fiscal year 2004 would run around $963 million. This bill only appropriates $300 million. Welcome funding, yes, but far short of where we need to be.

The Coast Guard also says that it will need $70 million to evaluate the security plans for ports across America by the July 2004 deadline mandated by the Maritime Transportation and Security Act. This bill does not provide any of the $70 million the Coast Guard says it needs.

The Obey amendment would address these and many other needs, yet we cannot consider the Obey amendment here today.

Why is it that we continue to neglect port security funding when the CIA tells us we are more likely to be attacked by a weapon of mass destruction smuggled aboard a ship than we are by an intercontinental ballistic missile? The fact that our ports are threatened might come as a surprise to millions of Americans who watched as Secretary Rice announced that the Department of Homeland Security was releasing millions of dollars in port security grants.

But it does not come as a surprise to those of us in Congress who listened as administration officials told us that those scant few dollars appropriated for port security grant programs and Operation Safe Commerce would probably be rerouted to aviation security.

Mr. Chairman, in light of recent world events, this is simply unacceptable. We are not giving port security the funding it needs to keep an Egyptian sailor attempted to smuggle anthrax aboard a ship bound for North America. We are not giving port security the funding it needs just weeks after an Egyptian sailor attempted to smuggle anthrax aboard a ship bound for North America. We are not giving port security the funding it needs.

The Obey amendment would address the funding it needs. Welcome funding, yes, but far short of where we need to be.

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CONGRESSIONAL RECORD — HOUSE

H5771

"Preparedness, Mitigation, Response, and Recovery" for program administration.

**Disaster Relief**

(including transfer of funds)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 502 et seq.), $1,800,000,000, and notwithstanding 42 U.S.C. § 5203, to remain available until expended, of which not to exceed $22,000,000 may be transferred to the Inspector General for audits and investigations.

**Flood Map Modernization Fund**

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may become necessary for the operation of the Federal Emergency Management Agency (44 U.S.C. § 2010). For administrative expenses to such loans shall be as defined in section 502 of the Robert T. Stafford Disaster Relief and Assistance Appropriations. Without prior notice to the Committees on Appropriations, no funds, in excess of $55,000,000 for operations and management, shall be available for transfer to Grant Programs or other political subdivisions for cost-shared mapping activities under section 1360(2) of such Act; to remain available until expended.

**National Flood Insurance Fund**

(including transfer of funds)

For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed $32,761,000, of which $20,000,000 for costs associated with medical care under the Dr.最好不要超过 $32,000,000 for flood mitigation, to remain available until September 30, 2005, for emergency work under section 136 of such Act of 1968, which amount shall be available until September 30, 2006, for personnel compensation and benefits, and for administrative expenses, shall be determined by the Comptroller General; of which $5,500,000 for operating expenses; $9,500,000 for agents' commissions and taxes; and $28,000,000 for interest on Treasury borrowings, shall be available until September 30, 2005, for personnel compensation and benefits, and for administrative expenses, and any amount otherwise chargeable to the disaster relief and assistance appropriation or otherwise provided for; payments pursuant to 42 U.S.C. title II, to be credited to the National Flood Insurance Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment, and $300,000,000 shall be available until September 30, 2006, for personnel compensation and benefits, and for administrative expenses. Payments pursuant to 42 U.S.C. title III, to be credited to the National Flood Insurance Fund; of which $60,000,000 shall be available until September 30, 2007, for personnel compensation and benefits, and for administrative expenses. For necessary expenses for acquisition, construction, and improvements.

**Emergency Operations**

For necessary expenses to carry out the Environmental compliance and restoration functions under chapter 19 of title 14, United States Code, to be credited to the National Flood Insurance Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment, and any amount otherwise chargeable to the disaster relief and assistance appropriation or otherwise provided for; payments pursuant to 42 U.S.C. title II, to be credited to the National Flood Insurance Fund; of which $60,000,000 shall be available until September 30, 2007, for personnel compensation and benefits, and for administrative expenses.

**Reserve Training**

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintainance and operations; and supplies, equipment, and services; $94,051,000.

**Acquisitions, Construction, and Improvements**

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $805,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment, and $300,000,000 shall be available until September 30, 2006, for personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses.

**Research, Development, Test, and Evaluation**

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment, and $300,000,000 shall be available until September 30, 2006, for personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses. For personnel compensation and benefits, and for administrative expenses.

**State and Local Government Assistance**

For necessary expenses of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107–296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Director, $900,360,000, to remain available until September 30, 2006.

**United States Secret Service**

**Salaries and Expenses**

For necessary expenses of the United States Secret Service, $1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities; salaries and expenses for Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowance to employees on temporary or intermittent duty, to include travel to or from an assignment during the actual day or days of the visit of a protective employee to work 16 hours per day or to remain overnight at his or her post of duty; the conduct of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limits on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective investigations; to remain available until expended, of which not to exceed $25,000 for official representation expenses; not to exceed $300,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; for purchase of firearms and related support of investigations of missing and exploited children: Provided, That $1,633,000 shall be available for forensic analysis of evidence, in support of investigations of missing and exploited children; Provided further, That $4,783,000 shall be available as a grant for activities related to the investigations of missing and exploited children and other activities: Provided, That up to $3,000 shall be for official reception and representation expenses; Provided, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under title 46 United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.
available until September 30, 2005. Provided further, That subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for: (A) overtime; (B) training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security guards on a space-available basis.

Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies transferred pursuant to section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations for any program, project, or activity for any fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

Mr. LATHAM, (during the reading).

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 37, line 13, is as follows:


For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

T I T L E V — G E N E R A L P R O V I S I O N S

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

T R A N S F E R S O F U N E X P E N D E D B A L A N C E S

S E C. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriate accounts as such activities are established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and after fiscal year 2004 may be accounted for as one fund for the same period as originally enacted.

I N C L U D I N G T R A N S F E R O F F U N D S

S E C. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts established pursuant to section 131 of title 5, United States Code, derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for a program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific purpose by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts established pursuant to section 131 of title 5, United States Code, derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for a program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific purpose by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts, shall be increased by more than 10 percent for any program, project, or activity; and (d) not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts, shall be increased by more than 10 percent for any program, project, or activity.
of other governmental and international agencies;

"(B) review and adjudication of requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background records check, and denials of requests for waiver and appeals; and

"(C) any other costs of the Transportation Security Administration related to providing the credential or performing the background records check.

"(2) The Secretary shall ensure that the fees are reasonably related to the costs of the Transportation Security Administration for providing services rendered. The amount of costs imposed under this subsection shall be determined by the Secretary and shall not be subject to judicial review.

"(3) Notwithstanding section 907 of title 31 and the procedural requirements of section 553 of title 5, the Secretary may impose a fee under this subsection through the publication of notice in the Federal Register.

"(4) Notwithstanding section 302 of title 31, any fee collected under this section—

"(A) shall be credited as an offsetting collection to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for these expenses; and

"(B) shall remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against section 514.

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 514 on page 37, line 14 through page 39, line 10. This particular section violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the House rules.

The CHAIRMAN. The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and the point of order is sustained. Section 514 is stricken from the bill.

The Clerk will read.

The Clerk reads as follows:

SEC. 515. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

SEC. 517. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary of a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 519. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 520. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, and expenses for use in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to—

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

(2) space for necessary security checkpoints.


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

"(2) in subsection (b)(1), by inserting “before, on, or” after the “the completeness”;

"(3) in subsection (e)(1)(B), by striking “which is after the date of enactment of this Act” and;

"(4) in subsection (d) by striking all after “in the interest of” and inserting “national security”;

POINT OF ORDER

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

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 514 on page 41, line 15 through line 25, of H.R. 2555 on the grounds that this provision changes existing law in violation of clause 2(b) of the House rule 21 and therefore is legislation included in a appropriations bill.

The CHAIRMAN. The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and the point of order is sustained. Section 514 is stricken from the bill.

The CHAIRMAN. Mr. Chairman, I make a point of order.

Mr. MICA. Mr. Chairman, I wish to state my point of order.

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

Mr. MICA. Mr. Chairman, I raise a point of order against section 514 on page 41, line 15 through line 25, of H.R. 2555 on the grounds that this provision changes existing law in violation of clause 2(b) of the House rule 21 and therefore is legislation included in a general appropriations bill.

The CHAIRMAN. The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and therefore is legislation included in a general appropriations bill.

The CHAIRMAN. The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and therefore is legislation included in a general appropriations bill.

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The CHAIRMAN. The Chair finds that section 514 proposes directly to change existing law, to wit: section 114 of title 49, United States Code, and as such it constitutes legislation in violation of clause 2(b) of rule 21, and therefore is legislation included in a general appropriations bill.
Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the better part of 2 years now we have been promised a vote on closing the Bermuda tax loophole, an effort to amend this process on the floor where the Republican leadership has accepted by a margin so lopsided that it defies any vote that we will take in any given legislative year. I believe 318 members of this House voted to do something about these corporate expatriates who not only leave the United States to avoid paying taxes but then have the unmitigated gall to bid on defense work in homeland security legislation. Ingersoll Rand, TYCO, these companies are avoiding billions of dollars in taxes, joint taxes estimated that we would garner, an additional $5 billion if we would simply close the Bermuda tax loophole.

Now, I know what the talking points of the Republican Party are on this. It is the corporate tax structure that is at fault. Well, if that is the case after 9 years why have we not done something about it? It is unbelievable where we had a chairman of the Committee on Ways and Means who used to say he was going to pull the Tax Code up by its roots. Well, America tonight knows the talking points are less complicated and more unfair than ever.

We were going to drive a stake through the heart of the Tax Code. We were going to have tax simplicity. You know what we have had? We have had the wording of our friends by our failure to address this issue.

For the Americans that are viewing this evening, I would ask you what would happen if you moved to Bermuda and declared that by renting a post office box you had taken citizenship on that island nation.

1730

The IRS would be after you the next day. There would be no avenue of re-treat, no opportunity to do what these corporations are doing. We have got 150,000 troops in Iraq tonight; and we talk about patriotism, while these guys renounce their citizenship and everybody knows they continue to do substantial business and have their real corporate addresses here in the United States? And yet we cannot get a vote in this House of Representatives on that matter.

Two years ago, David Rogers in the Wall Street Journal was promised by the leadership of this House “there would have to be a vote on the Bermuda tax loophole.” We are no closer to doing that. So, we were 2 years ago; and that argument again it galls everybody. It is the corporate tax structure that is at fault, not these folks moving offshore to avoid their responsibilities to live in this great Nation. That is patriotic, to pay our taxes and the $82 billion that Iraq is taking cost $42 billion for homeland security.

We define patriotism by allowing these guys to move their corporate address to Bermuda for one exclusive purpose, to avoid taxes. What does that say about this great Nation and our principles? Yet the intransigence of the leadership on the majority side month after month is to do nothing about it. Put that question on the floor here about whether or not these folks should pay their taxes and I tell my colleagues what we would get, 350 votes for it and everybody knows it.

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

Mr. Chairman, I rise today with my friends, the gentleman from Tennessee (Mr. WAMP), in support of providing domestic sourcing preferences for the Department of Homeland Security. As we take steps to protect our homeland security, an integral part of the process is strengthening our national and economic security, which requires provisions that support the American industrial defense base to the Department of Homeland Security we can help ensure that American companies are able to provide the crucial goods needed by the agency to promote homeland and security.

The American taxpayer provides the dollars which Congress then appropriates. It is only right that those dollars are reinvested back into our economy. These dollars are reinvested back into our companies and workers and not those of a foreign country who could be an opponent or, at worst, a non-ally. To provide for the livelihood of American citizens while funding government agencies. Homeland security starts at home, just as the name implies, in the homes and paychecks of American families. One of the most frequent questions I am asked by constituents is how they can sell their products or goods to the U.S. Government.

Today we have the ability to ensure that U.S. companies will be able to provide products and services to the Federal Government. We have the opportunity to safeguard our economic security and keep America strong while providing necessary funds for America’s homeland security.

My top two priorities are economic security and national security. Strengthening our homeland security is something that we are all working hard to do. There is no reason that the Department of Homeland Security should not do everything they can within reason to buy American goods.

A few years back we had an unfortunate episode where the U.S. Army purchased over 1 million black berets for U.S. soldiers. The problem was that a majority of these berets were made in China, and I think we all can agree that is ridiculous.

We need to take steps to ensure that government agencies not only improve our homeland security, but we have also made every opportunity to take advantage of every opportunity we can to strengthen and promote jobs here at home.

I urge adoption of this crucial provision and would like to thank the gentleman from Kentucky (Mr. Rogers) and his staff for working with me to provide American companies every opportunity to contract with the Department of Homeland Security and keep America strong.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to strike the last word.

Mr. Chairman, it is obvious that the ranking member of the full committee and the chairman of the full committee, as well as the gentleman from Kentucky (Mr. Rogers) and the gentleman from Minnesota (Mr. Sabo), respectively the chairman and ranking member of the Subcommittee on Homeland Security, are making every effort to work as diligently as they can on addressing the question of homeland security.

Mr. Chairman, I think it is important to address the question of neighborhood security, and I believe that in the
course of the debate on the floor of the House many Members have come to debate questions and offer amendments not to be frivolous, but to ensure that our duty and responsibility to the American people are carried out.

I rise of an amendment, recognizing that the offerers have withdrawn it, but I rise to explain to my colleagues the importance of the concept offered by the gentleman from Texas (Mr. Brady) and the gentleman from New York (Mr. Weiner). I came back from field hearings not in my district but in Long Beach, California, and Los Angeles, California; and I think it is important to note that there is no attempt here to diminish anyone’s need for security in any part of the country. In fact, I am a very strong advocate for focusing on urban and rural areas because no one ever knows where a terrorist will attack, but I think this concept of delivering moneys only on the basis of population and not on a formula that results in moneys being directed to the high-targeted areas, let me share with my colleagues from the Houston Chronicle a comment noted that, with Texas as the target, officials are especially concerned about oil or gas refineries because Al Qaeda terrorists in the past have talked about attacking the energy sector as a way of damaging America’s economy, officials said.

Mr. Chairman, even on 9-11 as we were trying to find out what was happening, rumors abounded that Houston was one of the cities because of its oil interests and its oil facilities that might be on the list of the terrorists that were now in the United States and tragically and horribly had struck the World Towers. It is important to recognize reality, and this idea of the formula is to make sense out of a simple process that gives moneys on the basis of population.

I believe, for example, we would take one State that might get $33 a person because of its population that is less than the State of Texas with its high density and its problems with oil refineries and other oil interests, and they would only get $3 or $4 a person. I know as we visited Long Beach and Los Angeles, and I use them only as an example, that the issue that was being made by those first responders was the need for resources in their hands;

Another point that was made was the need for resources to utilize the personnel, Mr. Chairman, not just for equipment, and this is one of the things that I believe we should openly discuss, that the formula that is presently utilized gives money only for equipment to our first responders. They need money for personnel. One can have the highest degree of equipment; but if they do not have personnel in the law enforcement, police department, and in the fire department, specifically the hazardous materials unit, that usually four people or five people or six people, it is key, Mr. Chairman, that we look at this not from the position of indict-ment, that we are accusatory or that we are not in sync with the mission that we are going forward on, but at the same time we should look for it in improvement.

Let me share with my colleagues the words of Secretary Ridge and paraphrase him, that generally speaking, the way that we have been distributing funds of old does not help the present situation. The very fact that each State should get the same amount of money does not help us fight terrorism. Some States should get more money than others because they have been elevated to a higher risk of terrorism. So the reason why I believe it was worthy to have the debate that provided us the opportunity to discuss a different formula change is because, Mr. Chairman, it is crucial that this body does the right thing in securing the American people, and changing the formula would help us do the right thing. Getting the moneys in the hands of those first responders and others helps us do the right thing; and I would hope all of us see that this bill move forward, giving us more money, as the gentleman from Wisconsin (Mr. Obey) has suggested that we do, in the right and fair way would help do the right thing.

I ask my colleagues to consider these elements as we move forward. THE CHAIRMAN pro tempore (Mr. Mica). The Clerk will read.

The Clerk proclaims.

SEC. 522. (a) None of the funds provided in this or previous appropriation Acts may be obligated for testing (other than simulations), deployment, or implementation of CAPPS2, the Computer Assisted Passenger Pre-screening System that the Transportation Security Administration ("TSA") plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations that:

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct incorrect information contained in CAPPS2;

(2) the underlying error rate of the government and privacy that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in an excessive number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the TSA has policies establishing effective oversight of the use and operation of the system; and

(b) Not later than December 31, 2003, the National Academy of Sciences shall submit a report to the Committees on Appropriations that assesses the likely impact of the CAPPS2 system on privacy and civil liberties and includes recommendations, procedures, regulations, or legislation to eliminate or minimize adverse effect of such system on privacy, discrimination, and other civil liberties.

Mr. MICA. Mr. Chairman, I have a point of order against section 522.

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

Mr. SABO. Mr. Chairman, I raise a point of order against section 522 on page 42, line 1, through page 43, line 24. This section violates clause 2 of rule XXI. It, in fact, changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of the House rules.

Furthermore, Mr. Chairman, I have assured the sponsor of this original provision, the gentleman from Minnesota (Mr. Sabo), that the House Committee on Transportation and Infrastructure will be adding a similar provision to our aviation security bill, H.R. 2144, during full committee markup tomorrow, Wednesday, and we will have similar language, and we do have the authority to authorize this language.

Unfortunately, his language is authorizing on an appropriations measure; and therefore I raise that point of order.

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

Mr. SABO. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized.

Mr. SABO. It is sort of strange. Would the gentleman from Florida yield?

Mr. MICA. Mr. Chairman, I would be glad to yield.

Mr. SABO. In discussion of his point of order, we are trying to figure out how——

The CHAIRMAN pro tempore. The Chair notes to the gentleman from Minnesota that under the rules of the House, debate on a point of order must be directed to the Chair, who hears each Member separately.

Mr. SABO. Okay. Let me see if I figure out how we do this, Mr. Chairman. The CHAIRMAN pro tempore. I would note, just to help the gentleman with his dilemma, that others may be heard on it on their own time.

Mr. SABO. Mr. Chairman, I think I understand what the gentleman from Florida is saying is that he is raising a point of order against this provision because it is legislation on an appropriation bill. However, he is also telling me that the authorizing committee is meeting tomorrow and it is their intent to adopt provisions that are similar in substance to what is contained in
the language of the appropriations bill, which will then be amended in another bill.

The gentleman from Minnesota would observe that, as he has read what is intended to be offered tomorrow, he has no reason to be concerned if it be known before us we would not be subject to a point of order. However, the gentleman from Minnesota has also observed that some of the enforcement techniques within the proposed language are significantly weaker. I would observe that the proposal that the committee will be considering tomorrow leaves the responsibility for reviewing CAPPs2 proposal internally in the Department while the language in question, which is subject to a point of order now, gives that responsibility to the GAO; and I would hope the gentleman from Florida would consider such language because frankly one of my concerns is the Department may not be equipped to make a good judgment.

We, frankly, have watched an agency that has had a problem trying to figure out where its employees work or do not have criminal backgrounds, and we think it might be a significant advantage to have the GAO look at their proposed plans before they are implemented rather than waiting until a year after deployment it is similar to the GAO look at their proposed plans to have a GAO study.

So I would urge the gentleman from Florida, as he ponders whether he should continue to press this point of order, that they might well consider expanding at an earlier stage the review of GAO of the pending plans of the agency.

The CHAIRMAN pro tempore (Mr. MCHUGH). Does any other Member wish to be heard?

Mr. WAMP. Mr. Chairman, again, I think that the point of order that I raised clearly does demonstrate, in fact if we look at the language before us, that there is authorization language contained by the gentleman from Minnesota (Mr. Sabo), which is excellent language and directive language but it does authorize on an appropriations measure, which is not allowed under the rules of the House.

The gentleman has raised issues about the substance of what is proposed in the full committee markup, and we will address some of those, but we do have a provision and we clearly have under our charter the responsibility for legislating the procedure which is followed. We will have the Under Secretary directed to not implement, other than on a test basis, the CAPPs2 program until the Under Secretary provides to Congress a certification that certain steps are taken. And later on we will have, of course, a GAO review required under our measure.

So we have the authority to the point of order clearly under the charter with respect to the GAO review required under our measure.

in the Committee on Transportation and Infrastructure. This is going to be considered under the FAA AIR-21 reauthorization. The security measure which is being considered, H.R. 2144, will be marked up tomorrow and blended into legislation which has already been passed the Finance Committee clearly under our authority as authorizers.

The CHAIRMAN pro tempore. If no other Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that section 522 proposes explicitly to supersede existing law, most immediately by proposing to restrict funds that were appropriated in other acts. As such, it constitutes legislation in violation of clause 2(b) of rule XXII, and the point of order is sustained. Section 522 is stricken from the bill.

AMENDMENT OFFERED BY MR. HAYES.

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

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

Amendment offered by Mr. HAYES:

None of the funds made available in the Act may be used to approve, renew, or implement any aviation cargo security plan in this Act to the extent that the plan would implement any aviation cargo security plan in this Act that would be subject to a point of order. Howev-

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

The Clerk read as follows:

Amendment offered by Mr. HAYES:

SEC. 10. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan in this Act. (41 U.S.C. 10a–10c).

Mr. HAYES. Mr. Chairman, I have spoken as to my support for this amendment, and if he so desires I would yield to my friend and cosponsor, the gentleman from Tennessee (Mr. WAMP).

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

Mr. HAYES. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding to me, and I certainly appreciate the privilege of having my name associated with anything that the gentleman from North Carolina (Mr. Hayes) does here.

The Buy American provisions that we have talked about a lot in the past on this floor are very germane to this debate. I appreciate the fact that we can offer this amendment, hopefully without anyone raising a point of order against it, because it is essential that in this appropriations bill, as we prioritize the homeland security needs of the future, that we put all the language we can in the bill to encourage United States business and enterprise to produce and provide the goods and services that we need to secure our homeland.

Let me give an example, one very large example. In this bill we actually fund into the future a program called BioShield, where the administration leads and we scrub and fund and hold the hearings on an effort to provide the stockpiles for vaccines and immunizations in the event that we are attacked. Companies all around the world make these products. But when we talk about chelating agents that would actually provide relief and support to those people affected that we may stockpile in a dozen locations around the country in very large quantities, I want a United States manufacturer, if at all possible, to make those products, and I want those products stockpiled here in the United States, if at all possible.

That is all that this language says, is that wherever we can buy American for these products and services. And on this BioShield initiative in this bill, it is $5.6 billion over the next 10 years, including a 2004 appropriation, the coming year appropriation of $890 million. That is a lot of money. It is a lot of procurement. It is very important that wherever we can look to United States companies.

Mr. Chairman, there are countries around the world that have not been particularly supportive of us in recent years that have the advanced capabilities of providing these products and services and good goods and services. And we do not want to respond in a punitive way whatsoever. If they have the products, and we need them, and we have good relations, that is great. But what we want to say is there are businesses and workers here in this country that support our country with their taxes. We want to support them wherever we possibly can.

That is the intent. That is the reality of this legislation. Many have come before us and attacked Buy American amendments to a host of legislative matters, some big, some small, but I have to say, as we begin this new Department of Homeland Security, as we prioritize our resource it is an absolutely a more important issue that we attack Buy American provisions to then securing our homeland, to make sure that we actually control as much as possible what these products actually are, to make sure that what they say they are, and that we know what we are getting if an event happens once again.

Mr. Chairman, I applaud the author, he and I are going in the same direction, and we have teamed up on this amendment.

Mr. HAYES. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, I thank the chairman, the gentleman from Kentucky (Mr. Rogers), and I urge the support of others to keep America strong and to support our industrial defense base.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. Hayes).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY.

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

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

None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan in this Act to the extent that the plan would be subject to a point of order.
one of us, justifiably so, and every American, more than 100 million, who get on to planes in our country every year are now required to take their shoes off as they go through a process in an airport to ensure that no danger will be at passengers or our plane. Now, that is completely justifiable, and I think all Americans, well, almost all Americans, accept that now as part of the process of getting on any airplane in America since September 11.

We in Boston, at Logan Airport, know the consequences, because two of the planes that were hijacked came from Boston, came from Logan Airport, and came from within five miles of my home. So my amendment today deals with the reality that after everyone's shoes have been inspected, bags have gone through security, and this is what the Transportation Security Administration now requires, after the booties of patriots are taken off and inspected, underneath, on the same plane, on the same day, with the same passengers on board, with their shoes now back on after having been screened underneath the cargo, the cargo has not been screened.

My amendment would require that the cargo that goes on the passenger planes that more than 100 million Americans each year fly is screened as well as the passengers themselves, as well as grandma, as well as the babies with their booties, because it is unfair to every American who gets on a plane to be put in danger that the cargo on that plane has not been screened.

Now, how do we screen by screening? We mean the same level of physical inspection of passenger plane cargo as is applied to passenger plane luggage and to the passengers themselves. What do we not mean? We do not mean the Known Shipper Program, which is the current excuse for allowing commercial cargo to be carried on passenger planes without physical screening. And which technology will we use? We will use the technology that the American Airlines cargo use to screen cargo in international airports every single day of the week all day long. Who do the screening? The same screeners who are now being laid off, 3,000 of them, 6,000 of them who are trained to do this job. We cannot allow this to go on any longer.

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

Mr. MARKEY. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, may I ask how much time the gentleman has left?

The CHAIRMAN pro tempore. The gentleman has 1½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment, which will require the Transportation Security Administration, TSA, to develop a plan to screen or inspect all cargo that is carried on passenger planes.

To me, it blows me away that we would allow any freight to go in the belly of an aircraft that has not been inspected. And at the very least the public has the right to know that basically 20 percent of the cargo in the belly of an aircraft is totally unscreened. Its cargo is unscreened. We could have not one, not two, not three, but we could have not 10, not 20, not 30, but we could have not hundreds, thou-sands of planes that were shipped in, knocked out of the sky at any one time simply because we are not inspecting the freight cargo that is in the belly of an aircraft.

Mr. Chairman, with that, I will yield back to my colleague and thank him for his amendment. I cannot think of a stronger and more important amendment.

Mr. MARKEY. Mr. Chairman, re-claiming my time, I thank the gentleman and I urge support of the full House on as important an amendment as we are going to be called on to vote on this year in Congress.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition. TSA currently screens cargo, based on the Known Shipper Program and identifies potentially troublesome cargo by additional screening. By law, they are required to ensure adequate cargo security measures, but not 100 percent screening of air cargo. In essence, this amendment would stop airlines from loading cargo onto passenger aircraft until TSA can screen or inspect each individual piece.

Now, in the bill, we already provide $50 million for the screening of air cargo. This funding will do the following: It will develop an air cargo security program for domestic and foreign air cargo carriers. It will promote the development and implementation of a risk-based freight screening system that will identify pieces of cargo that require closer scrutiny and participation in the Known Shipper Program, including linkages with other databases to verify shipper information that is provided. We provide for development of automated detection technologies that will screen cargo and also research and test devices that exist now and procedures to be applied to air cargo.

Right now, Mr. Chairman, it is not humanly possible to inspect every piece of cargo that goes on the air-craft. TSA does not have the staff or technology in place to do that. For example, airport screeners screen passenger and baggage using explosive detection and trace machines. These machines are not certified to screen cargo, nor can they handle the large pallets that cargo is shipped in. In many cases, the pallets would need to be broken apart and screened by hand. That is very time-consuming and labor intensive.

In addition, in many cases cargo is sorted and packaged into pallets at air-ports, and it is nowhere near the air-port; and to implement this amendment, the cargo would need to be screened at these off-site locations. Ac-
never screened by anyone for explosives.

That is a massive failure in our airline security. Some months ago I introduced the Airline Cargo Security Act modeled after legislation by Senators Feinstein and Wilson which requires the TSA to adopt comprehensive measures to inspect airline cargo. It gives the TSA flexibility to use a variety of different methods to accomplish this, from new technologies to blasting cargo, to a database of known shippers; but it requires that the job get done. The airline industry is hanging by a slender thread. Terrorists do not have to hijack our airplanes any more to wreak chaos on this industry and wreak devastation on this country and our economy. They just have to blow a plane out of the sky.

Given the fact that so much of the cargo is not screened for anything, this is tragically too easy to accomplish. This has to change. It is hard to overstate the significance and the disparity of this security problem. All of us have had the experience of going through the airport now and having to take our belt and shoes off and remove the toenail clippers from our carry-on luggage, but in fact the fact that in the hold of that plane are huge containers which have not been inspected by anyone. And when we consider the security lapses in shipping that cargo, the opportunities when it is forwarded to foreign countries, and in fact the fact that in the hold of that plane are huge containers which have not been inspected by anyone. And when we consider the security lapses in shipping that cargo, the opportunities when it is forwarded to foreign countries, and in fact the fact that in the hold of that plane are huge containers which have not been inspected by anyone. And when we consider the security lapses in shipping that cargo, the opportunities when it is forwarded to foreign countries, and in fact the fact that in the hold of that plane are huge containers which have not been inspected by anyone.

Indeed, I think most Americans would find it baffling that we go through these personally intrusive measures when we go to the airport, but our cargo goes through nothing. We cannot fight the last battle; we cannot simply predict that terrorists are going to use the same technique they used against passengers to bomb our cargo. We have to think and recognize that there are wholesale gaps in what we are doing to protect the American people. I applaud my colleagues for raising this issue in this legislation. I want to urge my colleagues both here today and in the future to address the issue of cargo security. Let us not wait for a tragedy to awaken us to this problem.

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

Mr. SHAYS. I yield to the gentleman from Kentucky (Mr. ROGERS), and I know it is a difficult job that he has; but there are two programs in America. One is the known-tripper program. We are all part of the known-tripper program. Every American that gets on a plane is part of that known-tripper program. They want to know who you are. You have to show your ID. They are going to check you if you are suspicious. They are going to go through your bags. They do now care who you are, baby or grandmom.

The known-shipper program for cargo, on the other hand, going onto the very same place, only requires a piece of paper. They do not know what warehouse it really came from. That al Qaeda operative that just got arrested last week ran a cargo firm. When he was interviewed, he said he was working with other people. He said the name of the firm was Kashmir, Kashmir Service. It was his own trucking company, a cargo firm. That is happening. We cannot run the risk of this happening in this country. They have to go through the same screening for biological, chemical, and nuclear material that would go on a plane as every one of us on a known-tripper program has to go through. This is something we cannot afford not to pay the price. It might cost us some money, but America cannot afford not to pay it. It cannot be allowed to occur.

Mr. MARKEY. Mr. Chairman, the bottom line is a plane could be blown out of the sky from explosives in the belly of an aircraft because someone shipping cargo is simply able to get it on the airplane. We have learned from the terrorists there is no line they will not cross. I hope this amendment is passed; and then if we have to change the amendment, we can do that in conference.

Mr. Chairman, I rise in strong support of this amendment, which would require our Transportation Security Administration (TSA) to develop a plan to screen or inspect all cargo that is carried on passenger planes.

Since September 11, our nation’s homeland defenses have undergone tremendous improvements. I truly believe we are safer today than we were prior to these heinous attacks, but we don’t feel safer because we had a false sense of security that was cruelly lifted.

In 2001, when Congress was considering the Aviation Security Act, I was shocked to learn that less than 10 percent of checked baggage on domestic flights was being screened. I worked with Congressman Jay Inslee to add a provision to the bill requiring all checked baggage to be screened for explosives.

During a recent hearing of the Select Committee on Homeland Security, I was equally surprised to learn that air, which accounts for approximately 22 percent of all baggage on passenger flights, is not being screened for explosives. If we are not screening all the baggage and cargo on passenger planes, then we are once again giving the American people a false sense of security.

The bottom line is as long as cargo and baggage screening is incomplete, there are
gaps in aviation security that are unacceptable. TSA must come to grips with this challenge, which continues to leave too many air travelers at risk.

Mr. Chairman, I urge my colleagues to vote in favor of this common-sense amendment.

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

Mr. Chairman, I think all of us have made it very clear that our efforts are to support the work of this appropriations subcommittee. But, Mr. Chairman, I rise in tribute, in remembrance of the many lives that have been lost through terrorist acts in the United States. It precedes the horrific tragedy of 9-11. I am particularly cognizant of the 1988 Pan Am 103 plane crash where an interline bag was the cause of that horrific tragedy where so many families lost their loved ones.

We know that we have come a long way from that tragedy. Our bags are in fact screened and unaccompanied bags are screened. But when we began this journey and we began to tell our airports and our airlines that they were going to have to haul in this enormous equipment and make sure that every bag was screened, what an uproar. Nobody would believe it was going to happen. Nobody thought we would be successful. It would take too long. There would be backlogs.

Yes, it is an inconvenience; but we have done it, and every airport to a certain extent is working toward that goal. At our large airports we have these huge machines that our bags must go through. Why, then, Mr. Chairman, can we do any less or should we do any less for cargo, because as we have determined in our field visits, the same kind of activity is occurring in our ports, where in many instances we are looking at paperwork given to us by foreign entities. Oh, yes, we do have criteria. Our intelligence gathering has improved. We are looking at different marks that staff and personnel can check off. When one mark does not come up, they say, this is suspicious and they put them in a different category. We are doing a better job. But I think this amendment of the gentleman from Massachusetts (Mr. Markey) and the gentleman from Connecticut (Mr. Shays) is a sensible, reasonable approach that may be inconvenient, may seem like a high mountain to climb; but in the long run we will be able to not only pay tribute and embrace this amendment. It is just be

The gentleman from Washington (Mr. Inslee) and I and others stood on this floor months ago when we argued night after night after night that an airplane and this summer when they take their families on vacations and they get on an airplane, they believe that those of us who serve in this Chamber have taken the necessary steps to see that they are not going to be the victims of a result of a bomb being placed in cargo that is on that plane. I think most Americans think we are already doing this.

We want the airlines to succeed. We have given billions of dollars in aid to the airline industry. Can you imagine what will happen to passenger travel in this country if an airplane is blown out of our sky this summer with vacationers, travelers, businesspeople on it? This is something that we have got to face up to.

The gentleman from Washington (Mr. Inslee) and I and others stood on this floor months ago when we argued night after night after night that an airplane needed to be complete screening and inspection of everything that went onto an airplane. The American people heard that, and I think most of them agreed with us. But for us to say we cannot do it because we do not have the money is a hollow argument. We find money around here for everything we think is important. Everything that we truly believe is important, that is of value to us, we fund. It ought to be a value to cargo to make sure that those who travel on our aircraft can do so with the confidence that we have done everything humanly possible to protect them.

It is beyond me why we would not embrace this amendment. It is just beyond me. I hope we do not have to stand here in this Chamber at some time in the future and talk in somber tones about those who have lost their lives to a terrorist act when we could have taken steps that prevented that terrible tragedy from happening.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment prohibits any funds from being used to approve a security plan that permits the transporting of unscreened or uninspected cargo on passenger planes. Air cargo is a potential area of vulnerability in our aviation security system.

In the Aviation and Transportation Security Act, Congress moved to ensure that all checked baggage was screened for explosives. But carry-on baggage and air cargo is still not screened for bombs, at least not the plastic explosives that terrorists tend to use. However, carry-on baggage is screened by x-ray, and air cargo is screened by the "known shipper program." In both areas, we could do better and I appreciate the efforts of the gentleman from Massachusetts to do so.

I am concerned that this amendment could be misinterpreted as requiring that all air cargo be screened though an explosive detection system or be opened and physically inspected. If the plain language of the amendment required that, I would oppose it. That is clearly impractical, if not impossible. Currently, there are no machines large enough and quick enough to screen all air cargo in this way. And physical inspection is so cumbersome that it would grind our economy to a halt. This would be a particular problem in my State of Alaska, where the people are especially dependent on air cargo for obtaining necessary goods and services.

However, the amendment simply prohibits any funds from being spent to approve an airline security plan unless that plan provides that air cargo will be screened. Such screening is currently being done through the known shipper program and we would expect that to continue. Over time, new technology may enable us to improve air cargo screening and I would support the use of such technology as long as it would not impede the flow of air commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Markey).

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Manzullo:

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

SEC. ___ None of the funds made available in this Act may be used by the Secretary of Homeland Security to enter into a contract for the procurement of manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to such procurement by substituting "at least 65 percent" for "substantially all".

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against the gentleman’s amendment because it proposes to impose new duties and constitutes legislation on appropriations bills. Therefore it violates clause 2(c) of House rule XXI.

The CHAIRMAN. The gentleman from Virginia raises a point of order. Is
there further discussion on the point of order?
Mr. MANZULLO. My understanding is that the gentleman was going to reserve a point of order so I could get my point across.
Mr. TOM DAVIS of Virginia. I reserve the point of order.

The CHAIRMAN. The gentleman from Virginia reserves the point of order.

Mr. MANZULLO. Mr. Chairman, the American economy is in the midst of a manufacturing crisis. Over the past 3 years, we have lost 2.6 million manufacturing jobs. In the past 12 months, 53,000 manufacturing jobs each month have been lost in this country. These are good-paying jobs. Small business manufacturers pay on average 20 percent more to their employees than other small businesses and provide a vast majority of the basic products such as tools, dies and molds that are essential to our national security and essential to our defense industrial base.

In 1981, Rockford, Illinois, my district’s largest city, had an unemployment rate of 24.9 percent, the highest in the Nation. Today it is around 11 percent. We do not want to see a recurrence of what happened in 1981. But we are losing our industrial base in this country. Unlike the past when factories were closed during an economic downturn but reopened when times improved, today a too-frequent outcome is the permanent closure of the factory. The jobs leave forever. Young people entering the workforce do not have a manufacturing career choice left open to them as they did in the past.

Since 1933, the Buy American Act has safeguarded the interests of American manufacturers by requiring the Federal Government to purchase domestically produced products. But that only means 50,001 percent has to be American goods. The Department of Labor’s May employment report showed again the 34th consecutive month of loss of manufacturing jobs.

Let me tell my colleagues what happened in Rockford, Illinois. After 112 years of being a major community, with Ingersoll Milling ceased operations. The Rockford machine tool maker was one of only two companies to make machines to shape radar absorbent composites into the skin of stealthy warplanes. In bankruptcy, a Chinese state-owned enterprise is trying to buy Ingersoll. The only plant that is left in the United States is in Kentucky and that is Cincinnati Machine. They have just downsized from 750 people to 350 people.

We are not in the ability to have manufacturing facilities to defend the United States. The purpose of this amendment is to build that manufacturing core to say, wake up, America, the manufacturing jobs are gone, the security of our Nation is being imperiled.

This amendment simply increases the Buy American content from 50 percent to 65 percent. It is so simple. The money is being lost to protect America, we are only asking 65 cents of that be used to buy American products. This is a very simple amendment. We would ask that this body take its part in restoring American manufacturing in this country. I would urge my colleagues, urge them, beseech them, to adopt this amendment to help the restoration of our manufacturing base.

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

Actually, this amendment would radically change the current application of the Buy American Act from 50 percent to include products made in America even if most of the components produced domestically. This substantially increases the 50 percent test as provided in the current regulations.

Some companies have responded to the restrictions by establishing costly, labor-intensive product-tracking systems that are not needed in the commercial business to ensure that the products are being sold to government. In a few cases, companies have simply stopped selling certain products in the Federal marketplace. This denies our government access to some of the latest, most cost-effective products in our fight against terrorism and preserving homeland security. This radical Buy American Act if it were allowed to be part of this legislation would impose financial and legal burdens on taxpayers and the commercial companies that sell to the Department.

I would, therefore, insist on my point of order.

POINT OF ORDER

The CHAIRMAN. Mr. Chairman.

Mr. MANZULLO. Do the gentleman from Virginia and the gentleman from Wisconsin insist upon their points of order?

Mr. OBEY. Mr. Chairman, I would simply agree with the point of order lodged by the gentleman. I do not happen to have much of a problem with the substance; but it seems to me that if the rules are to be applied around here, they ought to be applied to everybody on both sides of the aisle.

The CHAIRMAN. Are there any other Members desiring recognition?

Mr. BALLENGER. Mr. Chairman, I would like to speak to the point of order.

The CHAIRMAN. The gentleman may proceed for five minutes. The point of order is reserved.

Mr. BALLENGER. Mr. Chairman, the Raleigh News & Observer headline this past week was, ‘“North Carolina Trade Deficit Soars. Manufacturing Slide Continues Despite Decline in Dollar.”’ One in four North Carolinians employed in manufacturing have lost their jobs during the past 5 years. Plants across the State are closing their doors entirely, and other firms are moving jobs offshore, truthfully mostly to China.

North Carolina’s 10th Congressional District has a disproportionately large percentage of local economies built on manufacturing. So the communities I represent are struggling even more due to this manufacturing recession. The National Association of Manufacturers reports that job losses continue as long as U.S. imports from China are six times as large as exports to China. These statistics highlight why I have become a strong proponent of the newly formed Defense Industrial Base Caucus.

The U.S. cannot be reliant on foreign manufacturers of military or homeland security systems and equipment. We have got to invest in critical industries where we do not have the capacity for self-sufficiency. Already, reports from those United States sectors that are the best in the world. A recent admission from the Pentagon underscores the need for the U.S. to regain its manufacturing self-sufficiency. The Swiss Government’s refusal to provide crucial bomb components during Operation Iraqi Freedom could have hampered our efforts in the fight effectively if the war had lasted a little longer. We cannot afford to be hamstrung by countries that disagree with our intentions and our goals as we defend the homeland.

The U.S. makes the best products in the world. We have got to provide jobs for the American people. There is no better place to demonstrate that commitment than providing our first responders with American-made products, procured with taxpayers’ dollars.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to address the point of order.

The CHAIRMAN. The gentleman’s point of order is recognized. The gentleman is recognized for five minutes.

Mr. MCCOTTER. Mr. Chairman, I rise to address the point of order and in support of the amendment. My concern is that the American Government be as concerned about homeland security as we should be about household security. When tax dollars are taken from the American people, from the entrepreneurs and the people who create wealth in this country, those tax dollars should not be used by their government to put them out of work or to decimate our manufacturing base. I believe that this is a reasonable amendment, and I wholeheartedly support it.

The CHAIRMAN. Will the gentleman from Virginia advise if he insists upon his point of order for his point of order?

Mr. TOM DAVIS of Virginia. I do, Mr. Chairman.

As I take the point of order because it proposes to impose new duties and constitutes legislation on an appropriations bill and violates clause 2(c) of House rule XXI.
The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment explicitly supersedes existing law and the amendment therefore constitutes legislation in violation of clause 2 of rule XXI. Therefore, the point of order is sustained and the amendment is out of order.

Mr. FILNER. Mr. Chairman, I would challenge the ruling of the Chair.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to table the Amendment. The CHAIRMAN. The motion to table is not available in the Committee of the Whole.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, is this motion debatable?

The CHAIRMAN. The question is debatable under the five-minute rule.

Mr. OBEY. Then could I move to strike—strike the last word?

Mr. Speaker. No, you cannot.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would simply urge the gentleman to withdraw his motion. I know of no one who disagrees with the ruling of the Chair, and I do not see why we should impose on the House when we already have seen another amendment dealt with on the subject in a proper manner. This amendment clearly was not. Everyone knew it was not in order, and there is no doubt in my mind the Chair’s ruling is correct.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The vote was taken; and the Chair announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FILNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 28, not voting 21, as follows:

[Vote roll is not transcribed here.]

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

Mr. Speaker. No further action is possible on this matter.

Referred to the Committee on Appropriations.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

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

SEC. The Secretary of Homeland Security shall develop mechanisms to simplify and expedite the grant allocation process of the Department of Homeland Security so that a percentage of funds is provided directly to fire departments in urban and rural areas, police departments, law enforcement agencies, hazardous materials teams, emergency medical staff, and other first responders, hospital districts, school districts, city and county governments, non-profit organizations, port and airport security, and citizen groups in the 10 cities most vulnerable to terrorist attacks, without the funds being used to support State government agencies.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The amendment was agreed to.
The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as we have been proceeding with this debate, I think we have been on common ground that the security of America has to be our first priority. Many of us have agreed with the leadership of the gentleman from Wisconsin (Mr. Obey), that a billion dollars needed to be added to the Homeland Security Appropriations bill to be able to give and free the hands of the appropriators on the many, many things that are facing our Nation. But there is another issue, Mr. Chairman, that I think is crucial for us to be able to address directly: The needs of our neighborhoods, and let me share them with you.

Mr. Chairman, my amendment specifically and particularly isolates the crux of the problems that I have heard from my last 100 communities, which is some of the limiting requirements of grants, is not the only need. They need it for personnel and we have not been able to provide monies for personnel.

As a central component to the Nation's economic engine, we need to receive a reasonable and appropriate share of the federal port security funding. That is another comment from Chief Cunningham. So my amendment would simply provide an expedited way to get monies into homeland security. A reason why I have, Mr. Chairman, that I had discussed in the rules, and that is to make sure that no monies are spent as an abuse of power at the Homeland Security Department. That is, of course, whether you think it is humorous that 55 Democrats in Congress unanimously, they used their constitutional rights. I am sorry that that amendment could not be brought up today, and that is an amendment that says we limit the use of the Homeland Security funds for any surveillance or tracking of individuals not related to homeland security. I am going to continue to work on that issue because it is a crucial issue.

But on this matter I would like to pose a question to the chairman of the Committee, from Kentucky (Mr. ROGERS), as it relates to the question of working with local communities to get resources directly in their hands, first responders, port and airport security, the citizen corps group, to those efforts now that they are not necessarily funded but working with civic clubs on getting resources, when I say civic clubs, civic communities, county and city governments to get funds directly in their hands so that neighborhoods and communities can be safe.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentlewoman for yielding.

We have provisions in this bill that requires that the State to whom we give the money must send the money on to the localities within 30 days, and then 80 percent of the monies that we give to those States must be passed on to local units within 30 days. Those are provisions in our bill that we added in an attempt to force the money quickly to the community.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I appreciate the gentleman’s response.

What I would like to be able to say to this body is that even as we give those instructions to the State, what I am finding out by our local responders, and I use that term broadly, but our community, city, county, and neighborhood interests who have the responsibility for securing the neighborhoods, the neighborhoods that are around ports, the neighborhoods that are around refineries, the neighborhoods that are in danger of high terrorist vulnerable areas is that the processes are so difficult and complex. I hope that this body can work through the process that we will be able to provide a less complicated process and expedite the application process so that we can help local communities, civic clubs, and all will be able to have the resources they need.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security Appropriations bill and I urge my colleagues to support my amendment.

The purpose of this amendment is to expedite and simplify the grant application process so that needed homeland security funds go directly to first responders, local districts, and local government agencies, without first going to the States.

The efforts to secure our homeland will occur at the local level. City and county fire departments, police departments, hazardous materials teams, and other first responders will need to be well-equipped to protect American citizens from terrorist attacks. In our efforts to fund our local first responders Congress has authorized and appropriated hundreds of millions of dollars. However, few of those dollars have made it to the hands of local first responders.

I participated in two hearings last week with representatives of government agencies who confirmed that funds are not getting to America's local first responders. First, at a hearing of the Select Committee on Homeland Security, Undersecretary Mike Brown of the Federal Emergency Management Agency and the Department of Homeland Security said that delays getting funds to local first responders and civic groups persist. During on-site reviews last weekend of the Los Angeles Port Authority confirmed that few, if any, federal homeland security dollars are reaching first responders.

One reason for the delay is that often funds appropriated to city and county agencies for homeland security initiatives, through a lengthy application process, must first be disbursed by the States. Some communities then have their own grant application process for funds disbursed by the Department of Homeland Security. This unnecessary application process prevents local communities from finalizing the preparations for dealing with terrorist attacks and is endangering our citizens.

I propose this amendment to the Department of Homeland Security appropriations bill to disburse a percentage of the funds directly to local homeland security organizations in those cities, including Houston, that were deemed more vulnerable to a terrorist attack by Secretary Tom Ridge. This amendment will allow local organizations engaged in homeland security to get funds now.

Mr. Chairman, this amendment will enable many communities to prepare for terrorist attack without further unnecessary delay. This amendment protects America's citizens and I urge my colleagues to support this amendment.

The amendment that I have introduced would amend the Homeland Security Appropriations bill to provide that 5 percent of the Homeland Security dollars be expeditiously sent directly to local governments in the 10 cities most vulnerable to terrorist attacks.

Ms. JACKSON-LEE of Texas. At the end of the bill (preceding the short title) insert the following:

"SEC. 3. None of the funds made available in this Act may be used for political purposes or any other purpose not related to protecting homeland security, including for—

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

(A) tap personal or business telecommunications; or

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

"
I would like to work with the chairman in respect of this point of order on getting rid of the red tape that is also bogging down the State system so that monies can get, as I said, to the hazardous material teams, the emergency medical services, the first responders, hospital districts, school districts in a fast and efficient way.

Finally, Mr. Chairman, that we can manage to unstrap these local communities from using these funds for equipment only but can use it for personnel.

I hope that we can work together to ensure that.

Mr. Chairman, I am going to withdraw this particular amendment as it is subject to a point of order at this time.

The CHAIRMAN. The gentlewoman asks to withdraw her amendment.

Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MS. BALDWIN.

MS. BALDWIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. Baldwin:

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

Sec. ___. None of the funds made available in this Act shall be used to enter into any contract to develop, lease, or procure Coast Guard vessels in the National Security Cutter class or Offshore Patrol Cutter class unless the main propulsion diesel engines are manufactured in the United States by a domestically operated entity. The Secretary of Homeland Security may waive the restrictions in this section on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) adequate amounts of such components are not available from a domestically operated entity to meet requirements on a timely basis;

(2) such a contract is necessary to acquire capability for national security purposes; or

(3) there exists a significant cost or quality difference between components manufactured in the United States and components manufactured abroad.

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

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

The CHAIRMAN. The gentlewoman from Wisconsin (Ms. Baldwin) is recognized for 5 minutes on her amendment.

Ms. BALDWIN. Mr. Chairman, my amendment is simple. It would prohibit funds from being used to enter into any contract to develop, lease, or procure Coast Guard vessels in the National Security Cutter Class or Offshore Patrol Cutter Class of ships unless the main propulsion diesel engines are manufactured in the United States.

The Coast Guard’s Deepwater program is a large acquisition effort to replace and modernize the aging fleet of the Coast Guard ships. I fully support this program. However, when procuring the most critical components of these ships, the main propulsion engines, I believe the Coast Guard should contract with American firms that make the engines here in the United States.

The Department of Defense in many instances has already dealt with firms that produce their components here in America. Because the Coast Guard was previously under the Department of Transportation and is now under the Department of Homeland Security, it is one of the largest customers in the world. Using American labor can help get our economy back on track. But in particular, in matters of national security, we should ensure that American workers build what we need to keep America safe.

After September 11 tragically reminded us that Americans were not as safe, even on our own soil, as we had once thought. The Coast Guard’s mission has increased exponentially since that awful day. In this uncertain time and as we have experienced shifting global alliances, it makes no sense to allow foreign nations to build critical component for large Coast Guard vessels. After all, the Coast Guard is now in the Department of Homeland Security, and is not keeping capable, hard working American labor from building the essence of homeland security.

I have a firm in my district that produces these engines. They were ready to start filling orders tomorrow. They competed in the first round of Deepwater engine contracts awarded earlier this year. Even though they can prove that their engines would cost less in total operating costs, the Coast Guard gave the contract to a German firm that will now build engines in their country. And so I understand that this is not strictly a local issue for me, there are several other firms in the United States that stand ready to compete for these contracts and are perfectly capable of producing quality American-made engines for the Coast Guard.

I have often visited the employees of the plant in my district. They are confused and frustrated. They do not understand why a branch of the Armed Services would choose a contract to a foreign competitor. Although their plant is operational, there are many workers who are currently laid off. The workers that I talk to are not only worried for themselves and their families, they are desperately worried about their buddies who are waiting, waiting for the call that tells them to come back to work so they will be able to support their families once again.

Mr. Chairman, we are bleeding good-paying, family-supporting manufacturing jobs in this country. When manufacturing jobs go away, our history shows us that it is very hard to get
them back. My amendment is a small but needed change to the current Coast Guard procurement process.

The gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, has reserved a point of order against this amendment. The gentleman has the floor. He can insist and press on with his point of order and continue funnelling good paying jobs overseas or he can allow this amendment to go forward as we just did a short while ago with the amendment presented by the gentleman from North Carolina (Mr. HAYES). I hope that he has the best interest of America's working families at heart.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) insist upon his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve the point of order.

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

Mr. Chairman, I speak in opposition to the amendment which I believe is nothing more than a blatant attempt to use the legislative process to give one American company an unfair competitive advantage over another American company. It is wrong and should be defeated.

The amendment seems innocent enough. No funds should be used to procure Coast Guard vessels in the National Security Cutter Class or Offshore Patrol Cutter Class unless the main propulsion diesel engines are manufactured in the U.S. by a domestically operated entity.

Now, that sounds just like a restatement of the Buy American Act, but it is not. The Buy American Act does not consider the nationality of the contractor when determining if a product is of domestic origin. Manufactured articles are considered domestic if they have been manufactured in the U.S. from components “substantially all” of which have been mined, produced or manufactured in the U.S. during the period of performance.

Substantially all “means that the cost of foreign components does not exceed 50 percent of the cost of components.

Now, when the Coast Guard wants to purchase diesel engines for its ships, it has traditionally bought Detroit Diesel in Michigan, Utah, Kansas and I believe Ohio, and Fairbanks Morse Engine in Wisconsin. Both are fine companies that manufacture their engines in the U.S. with components, substantially all of which have been mined, produced and used in the U.S. as well. They both comply with the Buy American Act, creating a healthy competition for the Coast Guard’s contracts, which I think we would all agree is a good thing; but it seems that some people do not want competition.

Detroit Diesel is a subsidiary of that German company Daimler Chrysler, which is based in Germany, while Fairbanks Morse Engine is based in the U.S. and notably I believe only in Wisconsin.

The current procurement program for the Coast Guard Deepwater program, for which these engines will be built, is already under way. If this amendment is inserted into law, Detroit Diesel will no longer be eligible for Coast Guard contracts because it is not a domestically operated entity. Fairbanks Morse Engine will corner the market, not because it builds better diesel engines than Detroit Diesel, but because it found a way to shut out the competition; and it will have done so by changing the rules in the middle of the game.

There are 5,000 Americans working in those four States for Detroit Diesel. They build diesel engines that the current law says are American products. These Americans should not be penalized because their parent company is based in another country. Congress should not even be involved in this issue.

This amendment is frankly outrageous. It is not our job to give one American company a competitive advantage over another, and I obviously implore my colleagues to not fold in to this kind of an innocuous amendment, but there are 5,000 Americans who work for Detroit Diesel who are waiting and depending on us and the Members of this body.

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

I rise in support of the gentleman's point of order. This amendment would apply a radical domestic source restriction to the acquisition of main propulsion diesel engines for use in Coast Guard vessels, and my friend from Michigan just said, in the middle of the game. It could delay this procurement.

This could have a devastating effect on the American companies ability to buy the best propulsion engines at reasonable cost to support its critical antiterror missions because it takes competition out of the picture. Restrictive provisions such as these run counter to efforts to create an open, flexible, responsive, and impartial competitive acquisition system that will enable all government agencies, including the Coast Guard, to acquire from the world market the best products available at fair and reasonable prices. Indeed, we owe our taxpayers nothing less than to get the best value for the taxpayer dollar as we buy these, and this amendment abrogates that Buy America Act provisions apply here.

It has been reiterated here by the gentleman from North Carolina (Mr. HAYES) that this amendment would impose substantially new duties on the Department, and because of that I believe it also violates House rule XXI; I want to applaud the gentleman for raising the point of order and support it.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of rule XXI which states in pertinent part, an amendment to a general appropriations bill shall not be in order if changing existing law. The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order against the Baldwin amendment? If not, the Chair is prepared to rule.

The Chair finds that this amendment does include language concerning authority; and, therefore, the amendment constitutes legislation in violation of the point of order of the gentleman from Michigan (Mr. HAYES) that this amendment would impose substantially new duties on the Department because it takes competition out of the picture. Restrictive provisions such as these run counter to the request of the gentlewoman from California (Ms. WATER) that this amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California (Ms. WATER) is recognized for 5 minutes.

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

The Clerk read as follows:

Amendment offered by Ms. WATER: At the end of the bill (before the short title), insert the following:

Sec. 1. (a) The Secretary of Homeland Security shall conduct a proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport to determine whether the project as designed and will protect the safety of air passengers and the general public.

(b) Upon completion of the review and not later than the end of fiscal year 2004, the Secretary shall transmit to Congress and the Administrator of the Federal Aviation Administration a report containing the results of the review.

Ms. WATER. Mr. Chairman, I offer the amendment.

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The amendment was agreed to, and the point of order is sustained, and the amendment is not in order.
our homeland secure. It is really not to be understood how they can defend contracts going to foreign companies when we have Members on this floor begging for the opportunity to have these contracts in their districts to do something about this unemployment that was created by this administration.

Mr. Chairman, the day is over for flashlights and duct tape and plastic material. This is about some serious business. I'm sure some of us really do take this seriously. We want to fight terrorism. We want to spend the money on it. We want to have real homeland security, and I am absolutely amazed that my friends on the other side of the aisle do not understand that.

I come because I have got a problem in Los Angeles. The Los Angeles International Airport, which is located in my congressional district, is the third largest airport in the United States with a capacity to serve 78 million air passengers annually. On July 22, Los Angeles Mayor Jim Hahn proposed a plan to expand LAX by constructing a remote passenger check-in facility. The mayor estimated that this project would cost $9 to $10 billion. The environment impact report on this project is due to be released in the near future.

Supporters of this proposed project to construct a remote passenger check-in facility claim that the facility is necessary to improve the safety and security of LAX and prevent terrorist attacks at LAX. However, it is even more likely that the concentration of passengers in a remote passenger check-in facility could actually reduce the safety and security of LAX.

The Rand Corporation conducted a security study of the proposed remote passenger check-in facility, which was released on May 14, 2003. The study concluded that the proposed project would not improve the security of LAX. It also concluded that concentrating passengers in the proposed remote passenger check-in facility would make the check-in facility the likely target of a terrorist attack. The study even suggested that concentrating passengers in the remote passenger check-in facility could exacerbate the effects of an attack on airport operations.

The Rand study did conclude that limiting the capacity of the airport could significantly reduce the overall vulnerability of LAX to terrorist attacks. However, this could be accomplished by maintaining LAX at its existing capacity, with no additional airport construction projects.

My amendment would require the Secretary of Homeland Security to review the proposed project to construct a remote passenger check-in facility at LAX to determine whether the project will protect the safety of air passengers and the general public. The Secretary will be required to transmit to Congress and the Federal Aviation Administration a report containing the results of the review.

Mr. Chairman, I am simply saying homeland security, look at this, review it, give us an assessment. If we are about the business of securing the homeland, this is a very simple request. If, in fact, my airport, which is already identified as one of the highest risk airports in the United States, is attacked because we are concentrating passengers, I have been to the Committee on Rules twice. I am on this floor, and if I cannot get support for a simple review to talk about whether or not this works, then something's wrong with those who purport to want homeland security.

Mr. Chairman, I am here today to say that again the gentleman from Wisconsin's (Mr. Obey) amendment should have been accepted because this amendment will ensure that we have a real emphasis on homeland security in fighting this terrorism. Without it, we are just joking; we are playing games. We do not really mean that we want to support terrorism.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI which states in part, an amendment to a general appropriations bill shall not be in order if changing existing law. The amendment imposes additional duties and, therefore, violates the rule.

I ask for a ruling from the Chair. The CHAIRMAN. The gentleman from Colorado will continue to yield, I find that this amendment is not in order.

AMENDMENT OFFERED BY MR. TANCREDO

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

The Clerk read as follows:

Amendment offered by Mr. TANCREDO: At the end of the bill (before the short title), insert the following:

SEC. 1. None of the funds made available in this Act may be used to provide assistance to any State or local government entity or official that restricted any government entity or official from sending to, or receiving from, the Department of Homeland Security information regarding an individual's citizenship or immigration status, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1373(a).

Mr. OBIEY. Mr. Chairman, I reserve a point of order on the amendment. The CHAIRMAN. The gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes on his amendment.

Mr. TANCREDO. Mr. Chairman, as was indicated in 1996, this body did, in fact, pass the Illegal Immigration Reform and Immigration Responsibility Act. One provision of that act states notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any other way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

It is a good provision of law. I am glad that we passed it. One problem with it is that there are no provisions for any sort of sanction should a State, local, or any other agency choose to violate the law.

It was indicated earlier there was some degree of indignation that was identified as appropriate by some of my colleagues on the other side when we have corporations, they say, who have fled from the United States, sought some sort of tax haven off the coasts of America, yet would make application for funds under this act. It is incongruous to have cities around the country, that actually prevents the law enforcement agencies in those cities from sharing information or obtaining information from the Immigration and Naturalization Service, or the Bureau of Immigration and Customs as it is now known.

So this is a very simple amendment. It just says a person cannot obtain funds under this act if they are, in fact, of those cities that have done as I have just described.

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

Mr. Chairman, I was trying to listen to the gentleman from Colorado as he explained his amendment. I have read the amendment several times and, frankly, have to admit I do not understand it.

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

Mr. SABO. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I would be happy to explain it again. The purpose of the amendment is to restrict the ability of cities, counties, and local entities that have violated the terms of the 1996 act which are word for word what we have described in this amendment.

Mr. SABO. Mr. Chairman, reclaiming my time, we now have a new department. It could not have existed in 1996. Mr. TANCREDO. Mr. Chairman, if the gentleman will continue to yield, I would note that the law, and as I understand the law subsequent to that time, has indicated the term INS can be used interchangeably with Homeland Security, or the Bureau of Immigration and Customs.

Mr. SABO. So it applied to the INS, the existing law?
Mr. TANCREDO. If the gentleman will continue yielding, the original law in 1996, yes, it did.

Mr. SABO. Would it now apply to all parts of the Department of Homeland Security, so it would also apply to TSA?

Mr. TANCREDO. The law applies as it applied before. It does not change the application of the law, it simply provides some enforcement mechanism.

Mr. SABO. But does it expand who the law applies to?

Mr. TANCREDO. If the gentleman is continuing to yield, it does not. It is exactly the same wording of the 1996 act. The only thing we are doing is adding some sort of sanction for its violation.

Mr. SABO. Are there new and different grants that could be restricted?

Mr. TANCREDO. Grants under the provisions of this act.

Mr. SABO. I am trying to understand, again, Mr. Chairman. Can the gentleman tell me who the original law applied to, in what form?

Mr. TANCREDO. Shall I read the law again? Does the gentleman wish me to read the law?

Mr. SABO. Yes.

Mr. TANCREDO. Notwithstanding any other provision of Federal, State or local law, a Federal, State, or local government entity or official may not prohibit or in any other way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

As I say, this amendment does not change anything except it adds a sanction for any one of those entities that in fact violate the law.

Mr. SABO. But, Mr. Chairman, what I am trying to get at, I guess, is my understanding that you are saying that the old law applied to the INS; this law now applies to the Department of Homeland Security, which is 22 agencies rather than one agency.

Mr. TANCREDO. The gentleman is correct that this act, the act that we are amending, does in fact include TSA, Coast Guard, Secret Service, and First Responders, and the amendment would apply to all of those agencies also.

Mr. SABO. So it would be a significant expansion in the scope of what the current law is?

Mr. TANCREDO. I suppose under that interpretation that is true.

Mr. SABO. I thank the gentleman.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin insist on his point of order?

Mr. OBEY. Yes, I do. I think the gentleman’s last words indicate the validity of my point of order.

As I understand it, under the gentleman’s amendment, if States prohibit information from going to the Homeland Security agency, then the State can get no dollars under this act. My understanding of current law is that it only prohibits States from providing information to the INS. But Homeland Security, as the gentleman from Minnesota has indicated, includes TSA, it includes the Coast Guard, it includes Secret Service, FEMA, and a number of other agencies.

To me, this amendment substantially expands the scope of the coverage and, therefore, I think is legislation on an appropriations bill and not in order under the House rules.

The CHAIRMAN. Do any other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair notes that the limitation addresses a broader segment of the Executive than is addressed by the cited statute. As such, the amendment is susceptible to the construction that it attempts to apply the cited statute in cases where it is not otherwise applicable.

Because the proponent of the amendment has not carried the burden of persuading the Chair that the amendment is solely a negative restriction on funds in the bill without changing the application of the law, I construe the amendment as one that is constrained to sustain the point of order. The amendment is not in order.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

SEC. 2. In addition to the amounts provided elsewhere in this Act, the amount of $2,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness. This Amendment will educate my colleagues, along with other Members interested, to the fact that we must ensure the protection of the neighborhoods.

The gentleman from Kentucky, Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Mr. Rogers of Kentucky, Mr. Chairman, I reserve a point of order on the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order on the amendment; and the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I recognize that this amendment that I want to discuss would be considered an earmark. I would like to think that the reason I am bringing this amendment to the floor goes to the earlier debate that we had on the question of expediting funds to those who are the targets of terrorism.

Mr. Chairman, there is a desperation out there, Mr. Chairman, and, frankly, this particular program is a program that has a very important mission. In a few days the Select Committee on Homeland Security will be marking up the BioShield legislation that is to provide, in essence, a shield around the United States against bioterrorism. The mission of this center is to educate the front line public health work force, medical and emergency responders, key leaders, and other professionals to respond to threats such as bioterrorism and other emergencies that affect our communities. The center responds to the increasing challenges in Texas to which regional campuses, including three sites along the critical U.S.-Mexican border, and through its urban campuses located in San Antonio, Dallas, and Houston.

Mr. Chairman, this is not a request because it happens to be in my area, but it is a request because Texas is listed as one of the most vulnerable areas for terrorism. This center will work nationally. The center works with academic institutions, governmental agencies, and relief organizations to promote our health security programs.

This amendment I am offering is representative of a number of amendments that I have offered on the basis that there is desperation out there. Another amendment that is listed but I want to make mention of, Mr. Chairman, is an amendment for $1 million to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness. This Amendment will educate my colleagues, along with other Members interested, to the fact that we must ensure the protection of the neighborhoods.

This particular proposal coming from the University of Texas Health Science Center and Charity Productions is to provide for an emergency preparedness education program for community residents. Charity Productions is also developing an emergency preparedness education program in conjunction with the University of Texas. The civic organization collaborates with human service organizations, such as the Red Cross and the NAACP. To date, this civic coalition has held several emergency and disaster drills, workshops, and seminars, and the goal is to educate the neighborhood.

The goals of the partnership between the University of Texas Health Science Center and Charity Productions is to train neighborhood stakeholders, provide a comprehensive range of opportunities to ensure neighborhood safety, and to facilitate full participation for all community residents, whether or not their active language is English, to increase community partnerships and to work with governmental programs to provide the support and training necessary at the grassroots level. The value of these collaborative efforts in the event of a terrorist attack is immeasurable.

The question always has to be when we try to secure the homeland and we have to secure the neighborhoods. These earmarks that I am suggesting are clearly to bring to the attention of this floor that we must expedite the funds to these local communities.

Mr. Chairman, I will simply discuss, has to do with resources to the Houston Bureau of Immigration Customs Enforcement, and the grounds are basically the same;
that in fighting terrorism there are some places that have a higher ranking. Houston was ranked number seven on the list of cities most vulnerable to a terrorist attack by Secretary Tom Ridge of the Department of Homeland Security. I would remind my colleagues of the overview that many of us took this past weekend when we could clearly see neighborhoods within yards, within blocks of very dangerous or potentially dangerous areas, meaning they were vulnerable to terrorist attacks. While I was in California, there was a train derailment that wound up going into a local crowded residential area.

Mr. Chairman, it is crucial as we move through this process that we realize that all of this cannot be done in Washington. It has to be done on the home front. In the event of a terrorist attack, it will provide a comprehensive range of solutions for homeland security health threats that endanger the community and those who must respond to preserve their health. The center also strives to translate new ideas into effective solutions that address State-based health security needs.

The Integrated Response component works with public health, medical, and affiliated first responders to identify training needs to improve our Nation’s health security. In addition, we strive to promote standards for preparedness and response where active collaboration between vital emergency response sectors will be critical to achieve the best health outcomes for the population. Lessons from the military are integrated into civilian practice.

Mr. Chairman, the University of Texas—Center for Biosecurity is a critical program for preparing the Houston area for a terrorist attack. My amendment will provide needed funding for this pilot program. I urge my colleagues to support my amendment.

Amendment to H.R. 2555, As Reported Offered by Ms. JACKSON-LEE of Texas

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

SEC. 2. In addition to the amounts provided elsewhere in this Act, the amount of $1,000,000 is hereby appropriated to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness measures.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security appropriations bill, and I urge my colleagues to support my amendment.

The purpose of this amendment is to appropriate funds to the University of Texas—Center for Biosecurity in conjunction with academic and community partners, to establish training programs for dealing with biological terrorist attacks in the Houston area.

Protecting America’s homeland will be accomplished at the local level. To adequately prepare local police departments, fire departments, hazardous materials teams and other first responders will require expert training and education. Additionally, preparing community-based nonprofit organizations and civic corps will require guidance on how members of the community work with governmental agencies in the event of a terrorist attack. The University of Texas—Center for Biosecurity’s training initiative will not only prepare the Houston area to deal with a terrorist attack, it will provide a training model for other cities across the country.

The University of Texas—Center for Biosecurity is located within the School of Public Health of The University of Texas Health Science Center at Houston. The mission of this center is to educate the frontline public health workforce, medical and emergency responders, key leaders, and other professionals to respond to threats such as bioterrorism, and other emergencies that affect our communities. The center responds to the unique challenges in Texas through its regional campuses, including three sites along the critical United States-Mexico border and through its urban campuses located in San Antonio, Dallas, and Houston. Nationally, the center works with academic institutions, governmental agencies, and other organizations to promote our health security program objectives.

The Center for Biosecurity is organized into four main homeland security cores to conduct its programs: training and education, research, integrated response, and community service.

The research component provides an integrated forum to bring critical community responders together under the philosophy of “training together to respond together.” This endeavor includes both short-term targeted programs and construction, as well as longer term opportunities for more specialized education culminating in master’s and doctoral degrees.

The research component focuses on emerging public health and safety issues to provide solutions for homeland security health threats that endanger the community and those who must respond to preserve their health. The center also strives to translate new ideas into effective solutions that address State-based health security needs.

The Integrated Response component works with public health, medical, and affiliated first responders to identify training needs to improve our Nation’s health security. In addition, we strive to promote standards for preparedness and response where active collaboration between vital emergency response sectors will be critical to achieve the best health outcomes for the population. Lessons from the military are integrated into civilian practice.

The Community Service component provides expertise for planning, training exercises, executive leadership, public health, and hospital preparedness in both domestic and international settings. Partners in vulnerable communities are critical to this preparedness effort, with partnerships integral to this center include Texas Southern University on issues related to providing mass medical prophylaxis to underserved populations, and Prairie View A&M on issues related to public health outreach and nursery training.

Mr. Chairman, the University of Texas—Center for Biosecurity is a critical program for preparing the Houston area for a terrorist attack. My amendment will provide needed funding for this pilot program. I urge my colleagues to support my amendment.

Amendment to H.R. 2555, As Reported Offered by Ms. JACKSON-LEE of Texas

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

SEC. 2. In addition to the amounts provided elsewhere in this Act, the amount of $1,000,000 is hereby appropriated to the University of Texas—Center for Biosecurity to establish a homeland security training capacity in Houston, Texas, with strong academic and community partners.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security Appropriations bill and I urge my colleagues to support my amendment.

This amendment requests that $1,000,000 in Department of Homeland Security funds be appropriated for the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness measures.

Securing America’s homeland must be accomplished at the local level. It is imperative that community-based organizations work in conjunction with state and local government officials, first responders, and medical personnel to ensure that needed services are efficient, effective, and coordinated at the event of a terrorist attack, and needed information only available to members of the community gets to public officials. The partnership between University of Texas Health Science Center and Charity Productions seeks to develop and implement programs to assist local community organizations in their homeland security preparedness efforts.

The University of Texas Health Science Center at Houston embraces a mission to advance the health of the people of the State of Texas, the Nation, and our global community through educating compassionate health care professionals and innovative scientists. The University of Texas Health Science Center at Houston supports its mission by working with the community organizations to meet the needs of local residents. Charity Productions is a nonprofit organization dedicated to providing innovative programs and workshops for youth groups, senior citizens, law enforcement agencies, and various other service providers.

Charity Productions has developed a prototype community activism initiative designed to reach underserved communities and get them active in homeland security efforts through youth clubs. The local focus of the initiative allows members of the community to work directly with health care, fire, and police officials to prepare for terrorist attacks. The University of Texas Health Science Center brings technical, medical and emergency expertise to the partnership. One of the goals of MNP is to develop and implement an Emergency Preparedness Education Program (EPEP) for community residents. Charity Productions is also developing EPEP in conjunction with the University of Texas. The Civic Organization Collaborates with human service organizations such as the Red Cross, and NAACP. To date the Civic Coalition has held several Emergency and Disaster Citizens Workshops.

The goals of the partnership between University of Texas Health Science Center and Charity Productions are to: train neighborhood stakeholders; provide a comprehensive range of opportunities to insure neighborhood safety; to facilitate full participation for all community residents whether or not their active language is English; to increase community partnerships; and to work with governmental programs to provide the support and training necessary at the grassroots level. The value of the collaborative effort in the event of a terrorist attack is immeasurable.

Mr. Chairman, this amendment requests funds to implement a program that will provide safety to the citizens of the Houston area, and will provide a model for local communities across the country in their homeland security preparedness efforts. I urge my colleagues to support my amendment.

Amendment to H.R. 2555, As Reported Offered by Ms. JACKSON-LEE of Texas

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

SEC. In addition to the amounts provided elsewhere in this Act, the amount of...
$1,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant to the University of Texas Health Science Center and Charity Productions to develop community-based homeland security preparedness initiatives in the Houston area.

Mr. Chairman, I propose this amendment to H.R. 2555, the Department of Homeland Security Appropriations bill and I urge my colleagues to support my amendment.

My amendment seeks a $1,000,000 appropriation for the Houston Bureau of Immigration and Customs Enforcement for homeland security related immigration and customs enforcement measures.

The events of September 11 have illustrated the importance of stepped-up immigration enforcement and national security regulations. Likewise, the events in the aftermath of September 11, from terrorism profiling to illegal detentions, have illustrated that our immigration efforts related to fighting terrorism must be refined. My amendment allocates funds to the Houston Bureau of Immigration and Customs Enforcement to make the necessary changes to immigration enforcement procedures in regards to fighting terrorism.

Houston was ranked number seven on the list of cities most vulnerable to a terrorist attack back to the request of the gentlewoman from California (Ms. Pelosi) that thousands of projects in those States will remain unfunded. Only 80 percent of approved projects in Ohio have already expended money to rebuild the local infrastructure required to get these towns back on their feet.

The administration has an obligation to Congress for supplemental appropriations. The bill before us today is a supplemental request for funds that are needed to assist the many communities that were impacted by the terrorist attacks in the Houston area.

Department of Homeland Security is responsible for the supervision, detention, and removal of alien who are in the Houston area and United States unlawfully or who are found to be deportable or inadmissible. Finally, the Intelligence Department analyzes and implements intelligence that we are in great need of resources to protect America and to protect neighborhoods are without those resources.

My amendment was offered in desperation, the need to move forward on funding the opportunities for neighborhoods to secure themselves, that school districts can provide safe places in the community for our neighbors, to educate our neighbors about homeland security, to provide personnel, to provide resources and to provide equipment.

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

The CHAIRMAN. Is there objection to the amendment by the gentleman from Texas?

There was no objection.

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

Mr. Chairman, I rise to discuss the funding of the Federal Emergency Management Agency. The bill before us includes $1.8 billion in disaster assistance for FEMA to use in fiscal year 2004 to assist the many communities across the country that will encounter natural disasters such as ice storms, tornadoes, and forest fires.

Mr. Chairman, I move to offer an amendment today that would have given FEMA an additional $1.6 billion that it needs just to cover a shortfall in disaster assistance for the 2003 year.

But the communities that are waiting for this money cannot wait any longer. They cannot wait for the new fiscal year to begin in October when FEMA’s coffers will be replenished.

The administration has an obligation to ask Congress immediately to provide FEMA with the money it needs to help the communities that were promised assistance by the President when he declared those cities and towns disaster areas. FEMA is running so low on money right now that I understand the agency is only fulfilling a part of its mission under the Stafford Act, parts A and B for debris removal and emergency protection measures.

While I believe it is very important for FEMA to provide funds for these important categories of assistance, relief under categories C through G of the Public Assistance Program are also vitally important. Unfortunately, I have been informed that FEMA has frozen funding for the Public Assistance Programs that help communities rebuild roads and bridges as well as public buildings and utilities. This is unacceptable.

I know that the communities in the 29 counties in Ohio that the President declared disaster areas this winter have already expended money to rebuild the local infrastructure required to get these towns back on their feet. In one of my counties, Monroe County, Ohio, the county engineer has already spent so much money and has failed to be reimbursed for it that he has had to lay off five county workers. Five county workers in Monroe County, Ohio, are unemployed tonight because FEMA has not met its obligations.

In southeastern Ohio, FEMA approved 1,363 projects across 29 counties to be funded following this winter’s ice storms that occurred in my district and districts of many other Members throughout the region, both Republican and Democratic Members. Because of FEMA’s funding shortfall, 293 remaining projects remain to be funded. Only 80 percent of approved projects in Ohio have been completed since last winter’s ice storm. The State is still waiting for $11 million from FEMA to finish up the remaining 293 projects, but across this country the situation is the same.

The National Emergency Management Association has indicated in a letter to the gentleman from Illinois (Mr. HASTERT) and the gentleman from California (Ms. Pelosi) that thousands of applications will go unanswered if supplemental appropriations in the range of $1.6 billion are not passed immediately. More than 35 States and Territories have experienced disasters just this year and thousands of projects in those States will go unfunded unless the administration asks Congress for supplemental appropriations.

I am circulating a letter to Secretary Ridge today and I ask all of my colleagues to sign. We should ask Secretary Ridge to work with the administration to ensure that a request for supplemental appropriations is made.

Amendment H.R. 2555, as Reported

Offered by Ms. JACKSON-LEE of Texas

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

SEC. 1. In addition to the amounts provided elsewhere in this Act, the amount of $1,000,000 is hereby appropriated to the Secretary of Homeland Security for use in the Houston, Texas, Office of the Bureau of Immigration and Customs Enforcement for homeland security related immigration and customs enforcement in the Houston area.

POINT OF ORDER

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

Mr. ROGERS of Kentucky. I do, Mr. Chairman. I make a point of order against the amendment because it provides an appropriation for an unauthorized program, and therefore it violates clause 2 of rule XXI which states, in pertinent part, an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI, and I respectfully ask for a ruling.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I said this earlier today. We are working as best we can, but I would argue that burning Rome are standing on this issue of waiving points of order and, therefore, those who are in great need of resources to protect America and to protect neighborhoods are without those resources.

This amendment was offered in desperation, the need to move forward on funding the opportunities for neighborhoods to secure themselves, that school districts can provide safe places in the community for our neighbors, to educate our neighbors about homeland security, to provide personnel, to provide resources and to provide equipment.

What I would say, Mr. Chairman, is that in light of the point of order, the point has been made, and I hope to work with the authorizing committee as we move through the appropriations process to douse this fire that Rome now is engulfed in and to be able to say to our communities that we are expediting requirements and providing the necessary resources.

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

The CHAIRMAN. Is there objection to the amendment by the gentleman from Texas?

There was no objection.

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

Mr. Chairman, I rise to discuss the funding of the Federal Emergency Management Agency. The bill before us includes $1.8 billion in disaster assistance for FEMA to use in fiscal year 2004 to assist the many communities across the country that will encounter natural disasters such as ice storms, tornadoes, and forest fires.

Mr. Chairman, I move to offer an amendment today that would have given FEMA an additional $1.6 billion that it needs just to cover a shortfall in disaster assistance for the 2003 year.

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I am circulating a letter to Secretary Ridge today and I ask all of my colleagues to sign. We should ask Secretary Ridge to work with the administration to ensure that a request for supplemental appropriations is made.
immediately so that the appropriations committees in the House and Senate can begin work on a bill to provide FEMA with the money the agency needs to continue disaster payments to the States. The States cannot wait for the 2004 appropriations process to run its course. This is a matter of immediate existence now, as do the thousands of communities across the country that are waiting to be reimbursed for the important rebuilding projects that they have already begun or for the funds that they need to begin these projects.

Mr. Chairman, I just call this issue to the attention of my colleagues and to this House. This is a critical matter. It needs to be addressed. As I said, I am calling upon Secretary Ridge and I hope all of my colleagues in the House will be willing to sign a letter to the Secretary asking that this request for supplemental funds be coming forthwith.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I suggest to the gentleman that his comments are very well taken and when the administration makes the request, which we do anticipate, and we are told that the Committee on Appropriations will move on it quickly and very likely apply it to the very next appropriations bill that is in the process and ready to be considered by the House.

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

Mr. YOUNG of Florida. I yield to the gentleman from Ohio.

Mr. STICKLAND. Mr. Chairman, the gentleman has made me very happy. I appreciate the gentleman’s concern and personal commitment, and we look forward to getting this done so these communities can get the help they so desperately need.

Mr. ENGEL. Mr. Chairman, I move to strike the following: the words "and other committees of jurisdiction of the Department of Homeland Security. FEMA and the Nuclear Regulatory Commission have a memorandum of understanding that FEMA is in charge of certifying offsite emergency evacuation plans of nuclear power plants. The process is still underway for the Indian Point plant in New York in Westchester County.

I am trying to put forth an amendment which would prevent Federal funds from being spent by FEMA to certify any offsite emergency evacuation plans for nuclear power plants, but I will not offer this amendment. However, I feel it is critical that we speak about a matter of homeland security to our constituents and the 20 million people living near the Indian Point Nuclear Power Plant in New York.

While I am not against nuclear power, I believe it is in our Nation’s vital interest to shut down the Indian Point Nuclear Power Plant in Buchanan, New York, right near my district of Bronx, Westchester, and Rockland Counties. Indian Point is located 35 miles north of downtown Manhattan. The planes that flew into the World Trade Center passed directly over the nuclear power plant and blueprints for American nuclear power plants were found at the ground Zero of the attack in Pakistan.

The problems with Indian Point are not new. Indian Point is located in a densely populated area, in fact the most densely populated area in all of the United States. In fact, it is the nuclear plant closest to any densely populated metropolitan area of the United States, and it happens to be the major metropolitan area of the United States.

Approximately 20 million people are located within the 50-mile emergency planning zone. The road system in the area is woefully inadequate to meet the needs of those people living in the area making an evacuation in the event of an emergency at Indian Point impossible.

No matter what the cause of radioactive release at Indian Point, terrorists or accidental, the result would be the same. The 20 million people living in the emergency planning zone would be in grave danger. Now the emergency evacuation plan that FEMA is now considering is fatally flawed and will not protect the public. An independent investigation of emergency preparedness at the plant conducted by former FEMA Director James Lee Witt and commissioned by Governor Pataki found that “the current radiological response system and capabilities were not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point.”

Following the release of the report in early January of this year, Governor Pataki and the four county executives from both parties within the 10-mile emergency planning zone refused to certify the evacuation plans. The report concluded there was no way to improve the existing emergency plan to sufficiently meet the current security threat.

If we are to truly protect the citizens of the tri-state area of New York, New Jersey and Connecticut, we must shut Indian Point down. Again, Indian Point is a potential terrorist target. We should not allow a nuclear plant to continue to operate just because it exists. FEMA must be forced to take the post-911 world into account when it evaluates the offsite emergency evacuation plan.

In that case, I cannot imagine how FEMA could then provide reasonable assurance that the public would be protected if there was an emergency evacuation plan that FEMA must be forced to take the post-911 world into account when it evaluates the offsite emergency evacuation plan.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read. The Clerk reads as follows:

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2004”.

Mr. Filner. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from California (Mr. FILNER), and the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

Mr. Filner. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to be recorded.

The Clerk designated the amendment to be recorded.

Mr. Filner. A recorded vote has been demanded. A recorded vote was ordered.

The vote was taken by electronic device, and there were 148 noes 274, not voting 11, as follows:

AYES—149

Ackerman Ackerman Alexander Baca Baird Balance Berkley Berman Bishop Blumenauer Boehlert Boyd Brown (OH) Brown, Corrine Capps

Dingell Doggett Ehrlich (CA) Doolittle Engel Edolphs Etheridge Evans Farr Cunningham Cunningham Davis (CA) Davis (IL) Davis (NY) Davis (TX) Green (TX) DeGette Fossemia Frank (MA) Garamendi Grijalva
ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (Mr. Markey) stated that a quorum was present and the roll was closed.

The following Members were among those present:

- Massachusetts: Mr. Markey
- New York: Ms. McCarthy
- Virginia: Ms. Sauer
- Missouri: Mr. Shadegg
- Florida: Mr. B. J. Johnson
- Connecticut: Mr. Cleaver
- Wisconsin: Mr. Sensenbrenner

The Chair announced that an amendment would be offered by Mr. Markey.

AMENDMENT OFFERED BY MR. MARKEY

The Chair, Mr. Markey, offered an amendment to H.R. 4348. The amendment was debated and voted on. The amendment was adopted by a margin of 278-158.

The vote was taken by electronic device and was unanimous. The amendment was subsequently passed by voice vote.

The Chair, Mr. Markey, stated that the amendment would be recorded in the Congressional Record.

Rules Committee on May 29, 2003

Mr. Markey moved that the House proceed to a vote on the amendment. The amendment was adopted by a margin of 278-158.

The amendment was subsequently passed by voice vote.
Mr. TANCREDO. Mr. Chairman, if the gentleman will yield, the original law did not apply to the transfer of any funds. It was simply a law making illegal for any city to restrict the flow of information to or from the Department of the Immigration and Naturalization Service, actually.

Mr. SABO. Mr. Chairman, reclaiming my time, as I read this amendment, this says, none of the funds can be used to provide assistance to any State or local government, entity, or official that does certain things. I do not quite understand the end of this, what they are or are not doing.

My assumption is that now this would apply to FEMA funds, emergency funds; it would apply to airports that are receiving funds under the Transportation Security Act.

Mr. TANCREDO. Mr. Chairman, if the gentleman would yield, no, that is not correct. That was the original concern the gentleman raised. The Parliamentarian at that time ruled that because of the original concern the gentleman had raised, the words "Homeland Security," that the gentleman was correct in his point of order. I have changed it so that it does not refer to the Department of Homeland Security. It refers specifically to the Bureau of Immigration and Customs, which meets the Parliamentarian's concern; and I have reintroduced the amendment.

Mr. SABO. Mr. Chairman, reclaiming my time, I am sorry, I am having trouble again. But as I read this, none of the funds made available in this act may be used to provide assistance to any State or local government or official that restricts any government entity or official from sending or receiving funds, and I am not sure what agency the gentleman is referring to. But "none of the funds that are used to provide assistance" would now include all of the funds flowing to airports from the TSA; and it would apply to FEMA funds, I would assume. It would apply to all of the first responder funds that are in this bill. I would assume it would apply to all the port funds that are in this bill.

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

Mr. SABO. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, in 1996, the House passed the Illegal Immigration Reform and Immigration Responsibility Act, a provision of which I have restated in this amendment. It simply says that notwithstanding other provisions of Federal, State, or local law, that a Federal, State, or local government entity or official may not prohibit or in any way restrict a government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

That is current law. We passed that in 1996. There was just one tiny problem with it. There are no provisions for a penalty if localities, in fact, violate the law. Unfortunately, there are cities in the United States that have disregarded the law. Recently, as a matter of fact, the City of New York rescinded an ordinance that for 20 years had prohibited police officers from not communicating with the Immigration and Customs, which has now become the Bureau of Immigration and Naturalization Service, that there are cities in the United States that have disregarded the law. Recently, as a matter of fact, the City of New York rescinded an ordinance that for 20 years had prohibited police officers from not communicating with the Immigration and Naturalization Service, which has now become the Bureau of Immigration and Naturalization Service, that there are cities in the United States that have disregarded the law. That is the entire scope of the amendment.

Mr. SABO. Mr. Chairman, I reserve a point of order.

Mr. TANCREDO. The CHAIRMAN. If a Member wants to reserve a point of order, it must be done before the amendment is presented.

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

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

Mr. SABO. I yield to the gentleman from Colorado.

Mr. TANCREDO. Well, there are several cities that have passed laws in the nature I have just described, including Los Angeles, Portland, Miami, or official from sending to or receiving from, the Bureau of Immigration and Customs (assuming the responsibility of the Immigration and Naturalization Service) information regarding an individual's citizenship or immigration status, as prohibited under section 642a(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. TANCREDO. Mr. Chairman, in 1996, the House passed the Illegal Immigration Reform and Immigration Responsibility Act, a provision of which I have restated in this amendment. It simply says that notwithstanding other provisions of Federal, State, or local law, that a Federal, State, or local government entity or official may not prohibit or in any way restrict a government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.
All this amendment does is say that no funds can be provided through the Bureau of Immigration and Customs to cities that have violated this law. That is it. We are simply putting teeth into the original law. That is all there is to it. Not for long. It is as simple as that. And it is through the Bureau of Immigration and Customs. It is not TSA in particular, by the way, the one that the gentleman keeps referring to.

Mr. SABO. Mr. Chairman, I will let someone else maybe try and figure it out. I am just confused. It just seems to go farther to me than what the gentleman has indicated.

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

Mr. Chairman, I rise to strike the last word in an effort to understand the first few words.

The gentleman from Colorado said to the gentleman from Minnesota that the only funds involved were funds under the Immigration Reform and Immigrant Responsibility Act, but that is not what it says. The amendment says “none of the funds made available in this act.” The reference to the Immigration Responsibility jawbreaker does not come until the bottom. What it says is that if you violate the Illegal Immigration Reform and Immigrant Responsibility Act, then you get no funds under this act.

I know we debated what “is” is, but I thought we were pretty clear on what “this” is. This is this. This is the act. It says “none of the funds made available in this act.”

So the question is, in line 2 of the gentleman’s amendment, when it says “none of the funds made available in this act,” what act is he talking about? And it would appear to be the act that we are now about to enact.

I wanted to ask the question precisely. I would ask the gentleman when it says in line 1, none of the funds made available, and in line 2, this act, in line 2, what do the words “this act” refer to?

I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, the amendment goes on to further define it, and it is defined: through the money that is provided to the Bureau of Immigration and Customs.

Mr. FRANK of Massachusetts. Mr. Chairman, I raise my hand any time, no, it does not. The gentleman has not read his own amendment, much less written it.

What this says is, you do not get any funds under this act if you violate the Illegal Immigration Act. It does not say that the funds come under the act; it is a 2-part amendment. It says, first, you do not get any funds under this act. It does not define this act later on; it defines what forfeits money under this act. That causes you to lose money under this act is a violation of the Immigration Act. It does not say in here that you lose money under the Immigration Act; it says you lose money under this appropriation if you violate that act.

I will yield again.

Mr. TANCREDO. Mr. Chairman, I must admit I do not believe that the gentleman is really confused about the purpose of the amendment or the words that are printed here. It is, in fact, quite clear.

We have run it around the horn here several times, including with the Parliamentarians. The issue that the gentleman brought up earlier dealing with an earlier portion of the original language has been dealt with by this new amendment. We are speaking specifically of the Bureau of Immigration and Customs.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I would say to the gentleman, I understand his concern with making clear, and I have heard him say this in other contexts, that English is the official language, and I would urge him to work on that, because English is what it states here, and it says, in English, this is in English now, the only language I speak being a typical American; it says in English, “none of the funds made available in this act may be used to provide assistance to any State that violates the Illegal Immigration Reform and Immigrant Act.”

So it is very clear. It is this act to which the funds refer. The act that was passed in 1996 triggers the loss of funds under this act. And it seems to me it is far harder to lose funds because of section 1025, and it says, in English, this is in English now, the only language I speak being a typical American; it says in English, “none of the funds made available in this act may be used to provide assistance to any State that violates the Illegal Immigration Reform and Immigrant Act.”

So it is very clear. It is this act to which the funds refer. The act that was passed in 1996 triggers the loss of funds under this act. And it seems to me it is far harder to lose funds because of section 1025, and the very fact that the gentleman offers the amendment in one form and then explains it in another is, I think, an indication of its weakness.

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

Mr. Chairman, the gentleman who is offering this amendment has just said that what he is doing is to apply to existing law with respect to the Immigration Act as a new set of sanctions. And what that means is that none of the funds provided in this bill can go to any locality that is violating that law which means they get no fire grants, they get no port security money, they get no money for their Office of Domestic Preparedness.

It applies to FEMA. How many of you want to have a disaster and find out because of some technicality your State is not eligible for any money? How would you like that if it happened to fire funds, for instance?

So I would say that it is very clear, you are making a very big change in what localities can receive under this bill. Now, State and localities are already being short-changed and should have received far more than they did in the tax bill because of their budget crunch. This will simply add to their woes and will do so inadvertently if they were simply in violation because of a technicality.

It is obvious to me that we are going to have a vote on this bill. As far as I am concerned, we might as well get on with the vote and get out of here.

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

Mr. Chairman, I am not going to speak for 5 minutes. I just want to say what some of the gentleman’s words, to be blunt, is it says that if any city in this country, and according to the gentleman who read a list of most of the large cities in the country, if they are in violation of a particular provision of the Immigration Act which now has no sanctity, this will pull the city, on all the large cities, and the sanction will be that we will leave them open and naked to the terrorists. That is what it says.

No funds can go to those cities to protect their ports, no funds made available in this act. This act makes available funds for fire, for police, for emergency responses, for protection against terrorists. Now, I know we want to get to a vote but this is about as important an amendment as we have talked about here in a long time. Because whether the people understand it or not, what this amendment will do, and maybe we should do something about non-enforcement about the immigration provision, maybe the Committee on the Judiciary should hold hearings on that, but in fact what this amendment does is say most of the large cities in the country because they are not in compliance with a specific provision of the immigration law will get no funds to use to protect themselves against the terrorists. No funds for port security, no funds for airport security, no funds for fire and emergency response. That, I submit, makes no sense.

It says to all the citizens in all those large cities, we will hold you hostage so that the terrorists have a free hand at you if your city violates the immigration law. That is not the way to enforce the immigration law. I urge a no vote.

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

Mr. Chairman, I hope the public is paying attention to this debate. We had major cities throughout this country, they are refusing to cooperate with the INS and other people who are trying to protect us from illegal aliens that may be coming in to do terrorist acts, they should not be getting funds from this government. We are trying to ask them to comply to protect our citizens when we are given that type of a description.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. TANCREDO) to give him a chance to answer some of these absurd charges.

Mr. TANCREDO. Mr. Chairman, at least the gentleman from the other side who spoke a minute ago did reflect accurately, I think, the purpose of the amendment. It is to do exactly that. It is to restrict funds to those cities
which have decided to restrict their police or other agencies from sharing information with the Bureau of Immigration and Customs. That is accurate and that is the first time it was described accurately by anybody on the other side. I do think that is a very reasonable thing. I do not think there will be any violations of the law because they clearly want the money. And I just do not think there is anything sinister in this. We have a law that is grossly violated. There are no penalties in the law. All this does is put in reasonable penalties. The only penalties you can put in this bill is simply denying them funding under this bill. Nobody will get hurt. All they have to do is follow the law and they will get all the money they should get.

Mr. Chairman, I think this is very simple. It should not be necessary to discuss this any longer. It could not be simpler. They are breaking the law. This puts some teeth in the law. If they went on to break the law, they will not get money. If they do not get money, they will not continue to break the law.

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

Mr. Chairman, I think the discussion that we are having tonight is really a discussion about immigration and the immigration policy of our country. And we might as well lock it in national security but it is what it is.

Our Supreme Court has stated that when you matriculate a child in school, you do not ask the immigration status of that child or that child's parents.

That is the Supreme Court decision. That is the law of this land. Children born here in the United States of America, they are citizens by constitutional right. When their parents go to enroll them in school, they must feel free to enroll them in school. Indeed, it is one of the reasons for the attachment of children in our public school systems in this country whose parents do not have a legal status in this county. They do. They are the citizens of this great Nation of ours. We should allow those educational systems to continue to work.

There are police departments, over 400 of them in the Nation, that have made a decision that they want crime reported. That is a very local decision. And it should not be substituting it with a national policy by passing this amendment. I think the police chief of LA, the police chief of New York, the police chief of Chicago and the employees that work under them should be given the respect that this institution should give to them because they are on the front line fighting crime each and every day. And they should make the decisions about how best they can protect the welfare of the citizens of those places.

We have talked a lot about the localities and making sure that everything works better back home. Well, this is an instance where things are working better back home and we should leave it alone. And we can have a debate all night, but I think clearly what is going to be read in the papers tomorrow and the evaluation that is going to be made of this vote is going to be that those that care to say that immigrants are bad for this country that care to extol the virtues of immigrants are going to take different sides on this debate. But this is really a debate about immigration.

Let me end with this: I think that the President of the United States of America acknowledged that we have to do something about undocumented workers in this country. That is just a fact. There are 8 to 10 million undocumented workers and that is what this is really all about, and this is an attempt to deny them education and to deny their children education and to deny the police to protect them. That is what this is really all about.

The President of the United States said we should sit down with the President of Mexico for one to try to work out some reasonable immigration policy. We should allow them and the Secretaries of State of those countries to bring back, to come to a reasonable solution. Listen, this is not going to help one undocumented worker, as long as in the State of Washington 70 percent of the agricultural workers are undocumented. We know that we eat their apples. We eat the grapes from California. We know who picked those fruits in this Nation. We know who does some of the hardest work in this country each and every day.

So let us have a debate on immigration. Let us have a debate on immigration. Let us have a broad debate on immigration, and let us try to figure out how we streamline new immigrants to this country as we integrate those that are working hard, paying taxes and following the law of this land. Let us not have a debate here tonight where one person can go and put a claim, I got the immigrants today. I feel so proud. America has a proud tradition in this country of respecting the work and the wealth of the contributions of immigrants, whether they be Italian or Irish or Polish. That is what has made this Nation so great.

Let us not belittle those contributions here with this debate tonight. Let us not belittle them tonight.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just say the following: The topic of immigration is a very much sensitive topic and it is emotional. It is perceived with a lot of emotion in the immigrant communities in this country. And so what I would ask is that we have the opportunity to review this amendment. I would say friend, the gentleman from Colorado (Mr. TANCREDO) for a copy, and he said that the only copy is on the desk, so I have not had an opportunity to even read this amendment.
What I do know is the following, that this is a sensitive issue; that it requires that this House deliberate on it, and if it is an amendment that we have not even had an opportunity to read, then my suggestion would be to my friend that he has an opportunity to do this, House through the regular process for this to be studied; and if he will not, then I will vote against this amendment. I say so because this is a sensitive issue. This is an issue of extraordinary sensitivity to the immigrant communities in this country; and so I ask both sides of the aisle, if the amendment is not withdrawn, to vote it down.

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

I hope that we can move to my good friend from Florida; and for those who are still trying to struggle with their own conscience, I say to them just simply say that this is a sensitive issue, but what it does capture is our fear of politics, and I just want my colleagues to think of a local hamlet or rural area that in inadvertent does not provide information. They too will lose their fund.

The other aspect of this amendment that the gentleman from Colorado (Mr. TANCREDO) has not spoken to is that they believe to be violators of the immigration laws and they will begin to make the teachers, doctors, nurses and others hunting down those they believe to be violators of the immigration laws and they will begin to approach not those who may be undocumented, but they will approach citizens who are, in fact, documented. It will be a politics of fear because our local communities will be fearful of losing the dollars that they are going to get.

Mr. Chairman, the gentleman from Florida has made a very good proposition. This House, the committees have not had an opportunity to review this amendment, nor have they had a full opportunity to review how we wish to go forward on immigration policy.

My question to the gentleman from Colorado (Mr. TANCREDO) would be, is the administration in support of this amendment? If it is, then we need to have a policy statement, a letter from the administration suggesting that this is an amendment that will take us down that very ghastly path of seeking out citizens who happen to have a foreign name, wherever they might be, because our cities and local governments, rural areas, we need to be fearful that the long hand of the government may snatch their money away from them.

This is a bad amendment, and I hope that it goes down the tube; but I hope the gentleman will withdraw the amendment or vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).
first appropriations bill that this Congress has taken up to fund the new Department of Homeland Security, truly a historic day, I want to say just briefly how much I appreciate all of the help that the members of the subcommittee and the SPEAKER pro tempore, Mr. GILLMOR, has been of immense help as we constructed the bill, and all the members of the subcommittee and of the full committee. I want to especially thank my colleagues, my ranking member, the gentleman from Minnesota (Mr. SABO), who has had the good fortune to work with a leader.

I want to especially thank my colleagues, my ranking member, the gentleman from Florida (Mr. YOUNG), who was helpful in the drafting of this bill, but, more importantly, had the courage back in the interstice time to have the Subcommittee on Homeland Security created in the full committee. It was courageous. The other body followed suit. Otherwise, this Department would not have been appropriated by separate bills or eight different committees on the House and Senate side. So I want to thank Mr. YOUNG for doing a great job and having the courage to be a leader.

And lastly, Mr. Chairman, I want to thank the very excellent staff that we have had the good fortune to work with for only 3½ months since this subcommittee has existed. I just a short time, but this staff pulled together a bill from whole cloth and nurtured it through the process, and we owe a lot to this excellent staff on both sides of the aisle who put this very first bill together.

Mr. Chairman, I thank my colleagues for allowing me to thank these people for doing a great job.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tem (Mr. SHIMKUS) presuming the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 293, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tem. Under the rule, the previous question is ordered on the passage of the bill.

So the bill was passed.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

[Voice vote]

YEAS—425

NAE—2

NAYS—2

Flake (AZ)    Paul (OK)

Smith (GA)    Smith (NC)

Smith (MI)    Smith (NJ)

Smith (TX)    Snyder (NY)

Solis (CA)    Souder (PA)

Spartz (IN)   Stark (NY)

Stearns (CA)  Streich (CA)

Strickland (MD)  Stupak (MI)

Sullivan (PA)  Sweeney (MA)

Tancero (CA)   Tanner (CA)

Tauscher (CA)  Taylor (MS)

Taylor (NC)   Terry (CA)

Thomas (VA)   Thompson (CA)

Thompson (MS)  Thornberry (TX)

Tiahrt (KS)    Tiberi (OH)

Tierney (MA)   Toomey (PA)

Towns (NY)    Turner (OH)

Turner (TX)   Upton (VA)

Udall (CO)    Van Hagen (OK)

Velasquez (CA)  Visclosky (IN)

Vitter (LA)    Walden (MN)

Walsh (DC)    Watt (MD)

Waxman (MD)   Wexler (CT)

Weiler (WY)   Whitefield (GA)

Wicker (MS)    Wigger (TX)

Williams (MD)  Wilson (IN)

Wilson (NC)   Wilson (SC)

Wollny (WA)   Wolinsky (NY)

Woolsey (NY)  Wyoming (WY)

Wynn (FL)    Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tem (Mr. SHIMKUS) (at the direction of the Chair). Members are advised 2 minutes remain in this vote.

So the bill was passed.

The Clerk read the title of the bill.

The Speaker pro tem. The question is the passage of the rules and passing the bill, H.R. 1416, as amended.

The Clerk read the title of the bill.

The Speaker pro tem. The question is the motion offered by the gentleman from California (Mr.