The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Mr. Speaker, pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SAABO) each will control 30 minutes.

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

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.

In the Committee of the Whole

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 on the State of the Union after the consideration of the bill, H.R. 2555.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ROGERS) and the gentleman from Minnesota (Mr. SAABO) each will control 30 minutes.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SAABO) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SAABO).

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 for 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 Secret Service, the Coast Guard, and some 18 other agencies throughout the government.

But, Mr. Chairman, I want to spend a couple of minutes talking about the breadth of the problem that we face.

On our borders, we have to protect ourselves: 2,000 miles of border with Mexico; 5,500 miles of border with Canada. There are 9,500 miles of shoreline. We have 157 ports of entry, 361 sea ports. There are 440 million visitors each year. There are 11 million vehicles that come here, 11 million of them trucks; 2.5 million railcars; and 17 million cargo containers that cross through our ports every year.

In transportation, there are some 768,000 commercial flights that enter the U.S. airports, carrying some 635 million passengers a year. We have 18,000 general aviation airports. We have 143,000 miles of freight railways, 3.9 million miles of highways, and 550 major public transportation systems throughout our country. There are 500,000 bridges. There are 526,000 interstate trucking companies, 43,000 of them certified to carry hazardous materials.

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 104 nuclear, in our country.

And then there are all these high-risk, high-suspicion symbols of our Nation. We are speaking from one even as I talk now: the Capitol. We have the White House, the Washington Monument, the Lincoln Memorial, the Statue of Liberty, the St. Louis Arch, the Golden Gate Bridge, and on and on and on, 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.

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's first full year of operations, but also anticipated efforts 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 $75.8 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, and we have provided $9 billion for border protection and related activities. That is an increase of $400 million over the current enacted levels, including $2 billion for the U.S.
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, specifically 1,200 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 number 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 $253 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 ability to address terrorism threats to our communities. 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 bear this: since September 11, the Congress has appropriated $20.8 billion in assistance to our State and local governments for terrorism prevention and preparedness.

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 law enforcement agencies.

That, Mr. Chairman, is 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 majority and minority, for their hard work in putting this bill together. We really do appreciate their efforts.

Mr. Chairman, I rise in support of the fiscal year 2004 Homeland Security appropriations 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 any 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, or 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 it. This bill provides $29.4 billion in discretionary budget authority for the Department of Homeland Security. This is only $536 million, or 1.8 percent, above fiscal 2003 funding. The gentleman from Kentucky (Chairman ROGERS) has managed to fill some of the most glaring funding gaps contained in President Bush's 2004 budget, specifically for first responder programs contained in this bill. However, the tightness in the budget resolution restricts this bill from doing more to protect our borders, secure our ports and other critical infrastructure. This does not serve our Nation well.

In conclusion, while I support the bill overall, I have many concerns with the current abilities, or rather inabilities, of the Department of Homeland Security to adequately address obvious homeland security gaps.

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 bill together. We really do appreciate their efforts.

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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 to me.

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 in favor of reorganization, the most tremendous reorganization that I have ever seen, 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 and security.

This is a good bill. There are some who will say that it is too much spending, and I say that 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 budget levels, the Interior, Agriculture, Labor-HHS, Legislative and Defense appropriations bills in subcommittee.

Tomorrow we will mark up the Labor-HHS bill, the Interior bill, and 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 underway with the other 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. OBEY. Mr. Chairman, I thank the gentleman for yielding time to me.

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 gentleman from New Jersey tried to add his 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 $38,000 on average, they will get $33,000 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. I have a right to know whether we put tax cuts for wealthy people ahead of the security of this Nation.

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. I have a right to know 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 granted 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 this bill, 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 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
Chairman, I support the passage of this appropriations bill. Mr. SABO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. SABO), 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 to spend 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. Sabio) 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 that Department. The gentleman from Kentucky (Mr. Rogers) has ably taken up the challenge of giving us a new Department, a new Department that is the Department of Homeland Security.
Mr. SABO. How much time is remaining on both sides, Mr. Chairman?

Mr. CHAIRMAN. The gentleman from Minnesota (Mr. SABO) has 2 minutes remaining and the gentleman from Kentucky (Mr. ROGERS) has 9 minutes remaining.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. Sweeney), who has been a member of the subcommittee who has been extremely helpful to us in this bill.

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 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-terrorism 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 great work that he has done for 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. 2955, 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.

Mr. Langevin. Mr. Chairman, I must confess that as I struggle with the critical issue that is facing us is the failure of the DHS Intelligence Director to fulfill its role as the agency’s new nerve center. The effective operation of this unit is indispensable to...
the success of the rest of the Department. Instead, resources are being allocated and priorities are being set without a reliable threat assessment that can be mapped against existing vulnerabilities.

We continue to fall short of meeting our responsibility to first responders. Firefighters, police, health care workers and others on the front lines need our support to keep America safe. With dozens of States experiencing grave budget crises, first responders are desperate than ever for Federal assistance.

In countless other areas, from port security to air cargo screening to computer interoperability, we are not moving fast enough and we have not become strong enough. We simply must make homeland security our top priority and devote the necessary resources to it.

Even at a time of mounting deficits, though, the administration and Republican leaders in Congress have found little defense in this bill. Even at a time of mounting deficits, the administration and Republican leaders in Congress have found little defense in this bill.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (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, Firefighters and Emergency Management. This also includes another $75 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 another important 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.

Mr. Chairman, one of the disappointments I had in this rule was that it did not waive a point of order on what I thought was a very reasonable limitation on the development of CAPPS II. The gentleman from Kentucky graciously acceded to that request 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 program that 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 money for the program, left in place the capacity of the Department to proceed with work on how they want to put the program together, but requires it be scrutinized by GAO and the Academy of Science to look at the privacy concerns and look at its effectiveness. It has the potential to be the largest intrusion of the American government into the private lives of America people that has ever occurred. It also, on the other hand, has the ability to be misunderstood and to complicate our screening process if it is not done well. Rather than simplify, it may 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 preserve the language which is for new activity of the Department, one not specifically authorized with guidelines by Congress. It is a new activity that the Department is pursuing and we simply want to put some regulations in place as they move forward to make sure that whatever this huge complicated program is put in place in a fashion that would work.

I might remind people this is an agency that has had trouble figuring out whether their own workforce has had criminal involvement in the past. They are struggling to make sure that their personnel do not have criminal backgrounds. They have not succeeded doing that yet. So we should be a little cautious before we give them a blank check as we move forward with this huge new complicated screening process of the American public.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. Granger), another hard-working member of our subcommittee.

Ms. GRANGER. Mr. Chairman, one of our greatest concerns that the Nation has always been our ability to move people and products more safely and efficiently than anywhere else in the world. Unfortunately, as we saw on 9/11, this strength makes our transportation infrastructure a tempting target for terrorists.

Those hijackers that turned four planes into missiles were not just trying to kill thousands, they were also laying the foundation for a cheap and easy way to move terrorist bombs to our cities, our friends and our ships. This is a problem we need to be very concerned about.

In countless other areas, from port security to air cargo screening to computer interoperability, we are not moving quickly to strengthen transportation security. Congress has moved quickly to strengthen transportation security. Congress has moved quickly to strengthen transportation security.

Mr. SWEENEY. Mr. Chairman, I yield the gentleman from New York (Ms. Lowey), my good friend, for a colloquy, who will then yield back to me.

Ms. LOWEY. I yield to the gentleman from New York (Ms. Lowey), my good friend, for a colloquy, who will then yield back to me.

Mr. SABO. Mr. Chairman, I will yield the gentleman for yielding to me.

Mr. Chairman, I rise to enter into a colloquy as well with the gentleman from Kentucky, the chairman of the Subcommittee on Homeland Security. The chairman, who I have had the pleasure of working with, has done a great job, as I said before on this bill, and I thank the gentleman for the inclusion of high threat funds in this particular bill and actually for having created the fund in the first instance. But I wish to highlight some concerns I have with the current distribution formula.

The City of New York spends $13.5 million a week, $700 million a year on extra police protection during its current state of alert. That amounts to more than $1 billion since September 11. And I am not talking about money that the city would spend anyway for police protection. I am talking about the net additional amount New York
spends to protect against terrorist attacks.

New York’s needs were highlighted as recently as last week when news of an al-Qaeda operative was arrested for plotting to sever the cables on the Brooklyn Bridge. The operative said one of the main follis to his plan was the added security around the bridge which prevented him from acting.

One of the reasons terrorist prevention needs are not met by some cities is because of the formula the Department of Homeland Security uses to distribute funds. I know this is an authorizing issue more than an appropriations issue, but no first responder discussion is complete without recognizing the current formulas, which do not provide enough emphasis on the threat information.

The President and the administration at times have said they support a threat-based distribution of first responder funds in this national strategy for homeland security, and it is my hope that moves quickly to enact a new threat-based formula to apply to first responders.

I recently introduced a bill to reform the first responder formula to reflect today’s realities, and that bill would lessen the impact of allocating funds based on geography in favor of a quantitative assessment of threat information, vulnerability and consequences. We are dealing with serious people and we need a serious formula.

I know the war in Iraq is over, to whatever degree and the national threat level has decreased since then, but last week’s news stories prove we must remain vigilant in our fight against terrorism, particularly in New York, and I cannot stress strongly enough the need for focusing first responder funds on high-threat areas. It is no secret where the terrorists are focusing their resources, and I would ask the gentleman from Kentucky how he can address the concerns I outlined if the gentleman from New York will yield time to the gentleman from Kentucky.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky (Mr. ROGERS) for agreeing to enter into this colloquy, and I wish to associate myself with the remarks of my colleague from New York.

We in New York have been bracing for another terrorist blow since September 11, and all of America has experienced that anxiety. I know the chairman is totally committed to doing everything possible to protect our communities against any potential attack.

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 our country, including Yokkers, New York, in my district, need dedicated resources to protect sites of national significance and critical infrastructure.
Mr. Chair (Mr. HOYER). 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. 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 you that 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 as well as local government, city and county. 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 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 that 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 or 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 America safe. Obey amendment said 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. 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 absolutely know full well that money spend 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 administered strategically as part of the overall plan to address 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.

Ms. CHRISTENSEN. Mr. Chairman, I rise in support of the Obey amendment to add an additional $4.8 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 $30.4 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 and our own Select Committee on Homeland Security have 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.

Equally troubling is the denial by the rules committee of an amendment which was offered by my colleague the Ranking Democrat of the Appropriations committee, DAVE OBEY, 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, and it was reported that it is 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 totally 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 feed from on-land to the maritime fuel tanks on land.

Their search procedure for all ships follows 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 HVNSA, 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, Democratic 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.A. ROGERS, and our Ranking Member, MARTHA HAYES, for their fine work and with the best job possible putting together this first 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 terrorist threats to our nation. 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-traffic 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 stalling 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 requested to and 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 metropolitan areas 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 2,000 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 rural communities: 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-
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 critical assets. Yet this year, the Appropriations Committee, and the leadership of this Congress continue 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-Long Beach last fall estimated to have cost $1 billion per day nationwide. This was only one port complex and yet the daily cost was staggering. If our ports experience a terrorist attack, international commerce would grind to a standstill. The Coast Guard has estimated that the infrastructure security needs at our ports will cost $1 billion in the first year and some $4 billion over a ten year period. Yes, this bill provides only $100 million in port security grants.

Congress was swift about providing funding to secure our nation’s airways following the events of September 11, 2001. We must not wait for a similar tragedy at one of our ports to finally provide the necessary security funds.

Mr. Chairman, I must also express my displeasure that the Homeland Security Subcommittee was unable to hold a budget hearing with the Bureau of Citizenship and Immigration Services. This bureau was created under the Department of Homeland Security. Its responsibility is to build and maintain a service system that provides immigration information and benefits to the more than seven million annual applicants in a timely, accurate, consistent, courteous, and professional manner.

Having never met with Mr. Aguirre, the Acting Director, this committee has no way of knowing if this bureau is fulfilling its stated mission. Consequently, I am fearful that without adequate oversight and funding this new bureau will fall into the same bureaucratic trap that made the INS inadequate to meet the needs of this nation’s immigrant community. I am hopeful that the subcommittee will have a hearing on this full budget justification from the Bureau of Citizenship and Immigration Services before this bill comes to the floor for a vote next year. I am also hopeful that next year the President’s budget will request enough funds to realistically address the thousands of cases in backlog at this bureau. Although the committee increased the President’s budget request by $14 million, the amount is still fifteen percent less than what was provided in Fiscal Year 2003 for immigration services.

Mr. Chairman, I am also concerned about the ongoing difficulties regarding airport security screeners at Los Angeles International Airport (LAX). These difficulties stem from the poor quality of the Transportation Security Administration’s (TSA) security background checks. Despite assurances from TSA that their airport security workforce had been screened, authorized at LAX and other airports discovered that some members of their security screener workforce had criminal convictions. These airports petitioned TSA for the authority to conduct their own background checks of their own workforce. TSA officials at first rejected the request before finally granting approval. The ongoing background checks by these airports are continuing to identify employees with disqualifying convictions. Hopefully, this issue will be resolved once and for all when the Office of Personnel Management (OPM) completes the last of its outstanding background checks on the TSA airport screeners.

The Appropriations Committee has been pleased that the bill includes language I offered that urges the TSA to work cooperatively with airport authorities that wish to conduct their own background checks of their TSA screener workforce. I am also pleased that the bill includes report language that promotes guidance to 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 serious violations of fundamental rights. It can also interfere with the legal activities of protecting our homeland.

The report language expresses concern about the same bureau is funding for biological and chemical defense, and the increased uses held in reserve for the Bioshield initiative. 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 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

H.R. 2555 does not contain any emergency-designated BA, which are exempt from budget limits. 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, 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.

The conference report provides an advance appropriation for Bioshield in fiscal year 2005, however, that is not permitted under the terms of the budget resolution.

H.R. 2555 does not contain any emergency-designated BA, which are exempt from budget limits. The bill does not rescind any previously appropriated BA. This bill demonstrates Congress’ unflinching commitment to win the war against terrorism.
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 financiers.

The bill also provides appropriations 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. BOSHIELD

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 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 Chairman 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:

Mr. FILNER. Mr. Chairman, I offer an amendment as follows:

In the item relating to "DEPARTMENTAL ADMINISTRATION–SALARIES AND EXPENSES'' (including transfer of funds) after the dollar amount, insert "(reduced by $5,000,000)".

In the item relating to "BUREAU OF CUSTOMS AND BORDER PROTECTION–SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)" 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. The Members 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 for efficiency. We started a new program several years ago called SENTRI, meaning Secure Electric Network for Travelers Rapid Inspections. That means in English is that we give people who have legitimate business cross the border to travel, and they do it frequently, we give them as extensive a 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 set 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 complemented 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 rhetoric in this program, the Sentri Program. 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 only on the Department, but also on 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, and 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 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 a specification 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 people wait 6, 7, 8 months. 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 in 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 fee. We have received their spend plans on how they intend to use those funds. The Department, however, could, I would remind the gentleman, could use a portion of the supplemental to support the SENTRI expansion. They do have some discretion.

Number three, and the gentleman alluded to this. We have already cut the funds for the Department's administration by 25 percent. The money he would talk with this amendment would come out of administration. We have already cut them past the bone almost. Additional reductions could reduce the basic departmental administration programs and impair their ability to fulfill management of the entire agency.

For all those reasons, Mr. Chairman, I reluctantly oppose the amendment and would urge Members to reject it.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the requisite number of words. Mr. FILNER. Mr. Chairman, will the gentleman from California (Mr. FILNER) and I be well acquainted with the merits of the SENTRI program. I thank him for his work on this amendment and for his continued support on border management issues. The gentleman from California is a cosponsor of the SAFE Border Act, legislation that I introduced to modernize SENTRI. I would also like to thank Chairman ROGERS and Ranking Member SABO for the inclusion of report language regarding SENTRI.

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 and Tijuana residents 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 booming traffic and travelers 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 enhances 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 enrollments. 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 prescreen people and 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 that any new 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 also reinforce what she was saying, that the more adequately, the more 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 grants 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 in the country. That 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. 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 not the kind of thing that expresses 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 emergency official, the firemen, police, 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 directed 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 money has been allocated to the States 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 $800 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 over what the President requested.

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, 90 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 amount that is reallocated to State 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 the Committee and the States and first responder grant monies are there 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 mainly 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.), $58,118,000, 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, $40,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.
TITLE II—BORDER AND TRANSPORTATION SECURITY
CUSTOMS AND BORDER PROTECTION

BUREAU OF CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections, including activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, $4,584,600,000, to remain available until September 30, 2004, shall be available only for implementation of all of the requirements of the Maritime Transportation Security Act of 2002 (Pub. L. 107-295) as amended and the Aviation and Border Security Enhancement Act of 2003 (Pub. L. 108-11). Provided further, That none of the funds available under this heading, $100,000,000 shall be available only for grants to airports 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(1)(3)), shall be derived from that account; and of which not to exceed $5,500,000 shall be for payments or advances by contract or subcontract for the conduct of performance testing or demonstration activities related to the acquisition of equipment. Provided further, That of the total amount provided under this heading, $100,000,000 shall be available only for implementation of the requirements of the Maritime Transportation Security Act of 2002 (Pub. L. 107-295) as amended.

In title IV, in the item relating to “UNITED STATES COAST GUARD—OPERATING EXPENSES”—

(1) after the aggregate dollar amount, insert “(increased by $100,000,000)”;

(2) insert before the period at the end the following:

: Provided further. That of the total amount provided under this heading, $100,000,000 shall be available only for implementation of the requirements of the Maritime Transportation Security Act of 2002 (Pub. L. 107-295).

In title XII, in the item relating to “INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION—OPERATING EXPENSES”, after the aggregate dollar amount, insert “(increased by $50,000,000)”.

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

Sec. 4. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108-27) shall be reduced by 5.66 percent.

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 Wisconsin?

There was no objection.

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

Mr. OBEY. Mr. Chairman, this amendment attempts to do six things. It would add $400 million for port facility construction. The Coast Guard says that we need more than $4.5 billion over time to secure those operations. At the committee rate of only an additional $100 million per year, it would take 20 years for us to get half-way to the task that is defined for us by the Coast Guard. I do not think that is fast enough. We would also add $100 million for the Coast Guard to implement the Maritime Transportation Security Act, which passed this Congress last year and is aimed at strengthening our ability to analyze vessel threat information.

We need simply look at the newspaper headlines yesterday about explosives bound for Sudan that were picked up by the Greek government, 680 tons of explosives and 8,000 detonators in the ship Baltic Sky, which the inspectors described as being tantamount to the power of an atomic bomb. I think that makes eminently clear why we need to protect our own ports to a greater extent.

Thirdly, we would add $100 million to increase the inspections of containers that are being shipped to this country. Right now we inspect only 2 percent. We would add $100 million to inspect 13 million containers. We are just scratching the surface in terms of what we need.

Fourth, we would add $200 million to improve northern border security. That border is highly vulnerable. I referred earlier to the some 60 aircraft that flew across that border unannounced and unflagged over the past year.

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 pay for 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 $88,000 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 have that at the express 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. Does 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 inquiry. Could the Chair tell us what rules were waived by the Committee on Rules for consideration of the Committee of the majority committee on its provisions?

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 the 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 DeLauro 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 DeLauro 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 are waived to enable my amendment to be offered on behalf of the minority?

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

Mr. OBEY. Mr. Chairman, then let me simply raise a further parliamentary 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 handled 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 parliamentary inquiry, is it not correct that on the omnibus legislation the committee was allowed to increase payments under division N, section 401(b) of the Medicare Act for rural hospitals? Is it not true that we and the rules to allow the U.S. Customs Service to conduct vehicle 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 dilemma 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 Committee cannot place issues into historical context; and, therefore, the gentleman has not stated a proper parliamentary inquiry.

Mr. OBEY. Well then, Mr. Chairman, I would simply say that he would order the Chair to uphold my right to offer this amendment, because I believe that the majority leadership would want to be 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 minority 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-proprietary uses.

The CHAIRMAN. Do further Members wish to speak on the point of order?

If not, the Chair is prepared to rule. The gentleman from Kentucky makes a point of order that the amendment proposes to change existing law in violation of clause 2(c) of rule XXI.

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 September 8, 1999, and July 26, 2001, an amendment to a general appropriation bill addressing tax-rate reduction constitutes 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 must reluctantly and respectfully move to appeal the ruling of the Chair.

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

The question was taken; and the Chairman announced that the noes appeared to have it.
Mrs. PASCRELL changed his vote from ‘aye’ to ‘no’. Mr. HEFLEY changed his vote from ‘no’ to ‘aye’. So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to this paragraph? If not, the Clerk will read

The Clerk read as follows:

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-192, and as authorized in Title 15 of Public Law 107-296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

For expenses not otherwise provided for: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3. (2) complies with the Bureau of Customs and Border Protection’s Enterprise Information Systems Architecture; (3) complies with the acquisition planning and investment control requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed and approved by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALES AND EXPENSES

For necessary expenses of the Bureau of Immigration and Customs Enforcement for 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 shall be for labor in fiscal year 2004, not to exceed $100,000 shall be for official reception and representation pursuant to Public Law 99-570 (19 U.S.C. 2001); of which not to exceed $15,000 shall be for official travel for officers and employees; of which not to exceed $40,000 shall be for employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: Provided further, That the amount of funds available for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $5,000,000 shall remain available until expended: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

FEDERAL PROTECTIVE SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operations of the Federal Protective Service, $424,211,000 shall be derived from receipts and collections in the General Services Administration, Federal Buildings Fund.

AUTOMATION AND INFRASTRUCTURE MODERNIZATION

For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, $367,605,000, to remain available until expended, of which not less than $350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): Provided, That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3. (2) complies with the Bureau of Customs and Border Protection’s Enterprise Information Systems Architecture; (3) complies with the acquisition planning and investment control requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed and approved by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

AIR AND MARINE INTERDICTION

For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to 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 Federal, State, and local agencies in the enforcement of laws and regulations enforced by Federal, State, and local agencies, including emergency assistance, when appropriate, to Federal, State, and local agencies in the enforcement of laws and regulations enforced by Federal, State, and local agencies, including emergency assistance, when appropriate.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

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

The CHAIRMAN. The Chair will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LOBIONDO: In title II, in the item ‘‘TRANSPORTATION AND CUSTOMS ENFORCEMENT—AIR AND MARINE INTERDICTION’’, after the dollar amount insert ‘‘(reduced by $5,000,000)’’. In title II, in the item ‘‘TRANSPORTATION SECURITY ADMINISTRATION—AVIATION SECURITY’’, after the dollar amount insert ‘‘(reduced by $10,000,000)’’. In title IV, in the item ‘‘UNITED STATES COAST GUARD—OPERATING EXPENSES’’, after the dollar amount insert ‘‘(reduced by $12,000,000)’’. In title IV, in the item ‘‘UNITED STATES COAST GUARD—ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS’’, after the dollar amount insert ‘‘(reduced by $75,000,000)’’. In title IV, in the item ‘‘UNITED STATES COAST GUARD—OPERATING EXPENSES’’, after the dollar amount insert ‘‘(increased by $35,000,000)’’.
since World War II. Nearly half of some assets have been commissioned back on track.

Mr. LOBIONDO. Mr. Chairman, I rise today to oppose 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 signed the preliminary 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 engine spaces 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. ROGERS of Kentucky. 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 terrorism and the fleet's main search and rescue facilities; and, finally, $50 million to assist in the development of an air and 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; an additional $50 million for vulnerable assessments at critical infrastructure locations.

Where would this $1 billion come from? The Obey 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 tax 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 $88,000 to $83,000, America can be much safer.

What would my colleagues lose, 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 reassignment of resources. 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. Obe) addressed them in his amendment. We must be prepared. 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. Obe) for his leadership, the gentleman from Minnesota (Mr. Sab) 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 requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky. I would like to address the issue of how our nation's preparedness and response plan addresses older Americans, the disabled, and others with special needs.

Our experience with the horrible attacks of September 11, 2001, exposed gaps in our response plan as many elderly and disabled people living near the World Trade Center were trapped for days before receiving assistance. Successive evaluations have identified particular problems, including lack of coordination in city-wide community services, lack of a system to identify and locate older and disabled people, and lack of access to necessary public information both before and after an emergency.

I believe this issue is of great importance in the event of a future terrorist attack and I look forward to working with the gentleman in addressing this great need.

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

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

Mr. Rogers of Kentucky. Mr. Chairman, I want to thank the distinguished gentleman for his very thoughtful comments and note that the needs of older Americans and those with special needs should be addressed. I look forward to working with the gentleman on this important issue.

Mr. Regula. Mr. Chairman, I thank the gentleman for his comments.

Ms. McCarthy of Missouri. Mr. Chairman, I move to strike the last word.

(Ms. McCarthy of Missouri asked and was given permission to revise and extend her remarks.)

Ms. McCarthy of Missouri. Mr. Chairman, I want to commend both the majority and the minority members and the appropriations staff for their hard work on this first homeland security appropriations bill. I realize that this has been a formidable task.

Never the less, I am concerned that we have not given enough debate to issues raised by our state and local government officials and our local first responders. For instance, fire fighters in Kansas City have told me that we must develop and fund an infrastructure to communicate effectively with agencies in the same community as well as surrounding communities during times of crisis.

Moreover, our local public health officials must have the necessary resources to be adequately prepared to cope with emergencies, particularly bioterrorist attacks.

As the ranking member of the subcommittee on intelligence and counterterrorism of the select committee on homeland security, I question the Department of Homeland Security's ability to provide accurate and timely intelligence assessments, including bioterrorism, to our first responders. I think it is clear that our Homeland Security Department and funding must have the necessary resources to be adequate security.

Mr. Rogers of Kentucky. Mr. Chairman, I yield to the gentleman from Wisconsin.

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

Mr. Rogers of Kentucky. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. Obe. Mr. Chairman, I thank the chair for the opportunity to address these important issues, and hope that in conference the additional funds called for by the ranking member (Mr. Obe, 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. The Clerk read as follows:

Transportation Security Administration

Aviation Security

For necessary expenses of the Transportation Security Administration related 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 shall be for official representation expenditures: Provided, That of such total amount, not to exceed $1,672,700,000 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 transportation security services authorized by that section:

Provided further, That none of the funds in this Act shall be available only for procurement of checked baggage explosives detection systems and $3,000,000 shall be available only for procurement of checked baggage explosive detection systems.

Amendment offered by Mr. Terry

Mr. Terry. Mr. Chairman, I offer an amendment.
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 Eppeley, just a few months ago, there was an extremely long line, as there was on Monday morning, as there was on Tuesday morning, and clearly, there were almost 10,000 screeners standing around. And I asked the person why there was only one security station open when there were as many as 10,000 white shirts standing around, and I was told, quote-unquote, they are on break. I called our new security administrator and she said, yes, we cut the security stations. 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 of 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.

At least in 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?

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 we did not do this bill before the bill passed to 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 gentlemen’s amendment set the floor for us 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 the floor for in the Congress as the maximum level at TSA.

The monies the gentleman would take from TSA he would give to the first responders, and heaven 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 spending for first responders is. So I just think that this amendment would not be advisable, this amendment, as much as I sympathize with the gentleman’s philosophy 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 join the chairman in opposing the amendment. The committee and the chairman have been very tough task masters with respect to the number of screeners. We have been urging them for a long time to use more part-time people and to make more efficient 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 first responders matter, 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. Reclaiming my time, Mr. Chairman, I thank the gentleman. I would rather that we take us well below the 45,000 level at TSA.

Mr. SABO. Mr. Chairman, the catastrophe of September 11th is that some foreign 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 protect us. I do not think about it a minute. The leader of any rogue nation who had a few atomic bombs and wanted to attack the United States would not put them on a missile, because that missile has too much area. We would know from where the missile came, if God forbid someone attacked America cities. That leader would know that if he launched nuclear-tipped missiles at America cities, his cities would be completely destroyed 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 Los Angeles where they do any good to inspect them in Newark or New York or Los Angeles where they do not 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, 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 immediately, probably trillions, trillions in economic damage. We cannot afford to risk one nuclear explosion in any 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 respect to Iraq, but it is the only way to play it. It is not addressing in any real shape or form, is that some foreign 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 protect us. I do not think about it a minute. The leader of any rogue nation who had a few atomic bombs and wanted to attack the United States would not put them on a missile, because that missile has too much area. 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 cities would be completely destroyed 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.

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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. Our 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 25 years 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 to 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 and 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 cataclysmic 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 at our ports 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, information, 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 these containers that we do search and to those 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 your 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. Those 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 private ports. I continue to 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 that economic business. 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 appropriations. 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 by truck and train traffic, and they are the like. So we 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 go about the port, that 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 because 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 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.

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 sealant on that 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 goes up on the port of Hong Kong or Long Beach or Oakland, California, it is too late. If one of these container goes 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 of commerce there is a great 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 provisions after the Exxon Valdez. We said 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 doing that, 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, what point this is going to be a secure 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, 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.

The CHAIRMAN. Are there any further amendments to this paragraph? If not, the Clerk will read. The Clerk read as follows:

**FEDERAL AIR MARSHALS**

For necessary expenses of the Federal Air marshals, $634,600,000, to remain available until expended.

**MARITIME AND LAND SECURITY**

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants, services pursuant to Public Law 107-71, $231,700,000, to remain available until expended: Provided, That of such amount, $100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107-117.

**INTELLIGENCE**

For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, $13,700,000, to remain available until expended.

**RESEARCH AND DEVELOPMENT**

For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $125,700,000, to remain available until expended.

**ADMINISTRATION**

For necessary expenses of the Transportation Security Administration for administrative and support services, for operations under such headings as Emergency Operations Center, field support, support, and intelligence technology, $487,100,000, to remain available until September 30, 2005.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER**

**SALARIES AND EXPENSES**

For the necessary expenses of the Federal Law Enforcement Training Center, $166,629,000, of which $26,000,000 shall be for material and support costs of the enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; construction projects including fire arms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement; the enforcement training; the advertising and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for the Center's training centers; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of Title 5 of United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones: Provided further, That (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement; and (3) such reimbursements shall be deposited in this appropriation: Provided further, That the Center is authorized to obligate funds in anticipation of costs from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Center is authorized to accept and use gifts of property, real and personal, and to accept services, for authorized purposes pursuant to section 3109 of Title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones: Provided further, That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and training activities: Provided further, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center- provided housing, to the extent available and in accordance with Center policy.

**ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

For the necessary expenses of the Federal Law Enforcement Training Center to acquire necessary real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,323,000, to remain available until expended: Provided, That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: Provided further, That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center and shall be responsible for scheduling, use, maintenance, and support.

**OFFICE FOR DOMESTIC PREPAREDNESS**

**DOMESTIC PREPAREDNESS**

For grants, contracts, cooperative agreements, and other activities of the Office for Domestic Preparedness, as authorized by the Homeland Security Act of 2002 (Public Law 107-296) and the USA PATRIOT Act of 2001 (Public Law 107-56), $3,503,000,000, to remain available until expended: Provided, That the amount provided under this heading—

1. $1,500,000,000 shall be for basic formula grants;
2. $500,000,000 shall be for grants to State and local law enforcement for terrorism prevention activities;
3. $200,000,000 shall be for critical infrastructure grants;
4. $200,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and
5. $35,000,000 shall be for grants for Centers for Emergency Preparedness.

Provided further, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt, provided further, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local government and shall be distributed by the State within 60 days of the receipt of funds: Provided further, That section 1014(c)(3) of Public Law 107-56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: Provided further, That none of the funds appropriated under this heading shall be used for construction or reconstruction of buildings or facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime.

**AMENDMENT NO. 2 OFFERED BY MRS. MALONEY**

For necessary expenses of the Federal Law Enforcement Training Center, $166,629,000, of which $26,000,000 shall be for material and support costs of the enforcement basic training and shall remain available until September 30, 2005, and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the amount provided under this heading—

1. $1,500,000,000 shall be for basic formula grants;
2. $500,000,000 shall be for grants to State and local law enforcement for terrorism prevention activities;
3. $200,000,000 shall be for critical infrastructure grants;
4. $200,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and
5. $35,000,000 shall be for grants for Centers for Emergency Preparedness.

Provided further, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt, provided further, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local government and shall be distributed by the State within 60 days of the receipt of funds: Provided further, That section 1014(c)(3) of Public Law 107-56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: Provided further, That none of the funds appropriated under this heading shall be used for construction or reconstruction of buildings or facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime.

The Clerk read as follows:

Amendment No. 2 offered by Mrs. Maloney.

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 2 offered by Mrs. Maloney:

In title II, in the item "OFFICE FOR DOMESTIC PREPAREDNESS—DOMESTIC PREPAREDNESS", in paragraph (4) after the dollar amount insert "(increased by $300,000,000)".

In title III, in the item "DISASTER RELIEF INCLUDING TRANSFER OF FUNDS", after the fiscal year amount insert "(reduced by $300,000,000)".

Mrs. MALONEY (during the reading).

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. In objection to the request of the gentlewoman from New York?

There was no objection.

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

The CHAIRMAN. The gentleman from Kentucky (Mr. Rogers) reserves 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. The week before the Senator 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 defeated 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 greatest. That is about 83 percent. Our effort to protect the most likely targets of terrorism is moving backwards. We are cutting the funds to the New York City and other high-threat cities by almost 40 percent, by $300 million, from $800 million to $500 million, and we are increasing the percentage that will go under the formula that is unrelated to potential threat, a formula that Secretary Ridge has repeatedly said is inappropriate and must be changed.

This formula sends the money where the threat is not. Just yesterday Secretary Ridge himself said of the high threat money and I quote, "I would like to see New York city get $500 million or higher than $500 million." He went on to say, "At the end of the day, I do believe that there are some communities and regions that need more money." My amendment will simply follow Secretary Ridge's advice and restore funding for high-threat cities. I understand that this approach is subject to a point of order. I originally had wanted to shift money from another account, but the fact is this bill severely underfunds our cities. We have identified that there are scarce to shift between accounts, but our cities need more funding. New York City spent more than $200 million over the last year on counterterrorism. The grants so far amount to $200 million for New York, but very little of that can offset the personnel costs that the city has identified at more than $900 million.

The assistance provided after the September 11 attacks paid for cleanup and replacement equipment. It did not cover the additional security costs. This is not just an issue for New York and Washington, but it is a high-priority issue for many cities, including L.A., Chicago, San Francisco, New Orleans, Kansas City, Cincinnati, Houston and any city with a port or a mass transit system.

Mr. Chairman, it is my responsibility to appropriate the funds needed to protect American people and that bill falls dangerously short. Recently the request of the gentleman from New York (Mr. Sweeney), who has worked very hard in a bipartisan way for New York City and State, I am withdrawing my amendment, also at the request of the gentleman from Kentucky (Mr. Rogers), and I appreciate the commitment from the New York delegation, the gentleman from New York (Mr. Hinchey), the gentleman from New York (Mrs. Lowery), and the gentleman from New York (Mr. Serrano) along with help from the gentleman from Minnesota (Mr. Sabo) and the gentleman from Wisconsin (Mr. Obey) to restore this in conference.

I appreciate very much the leadership of the gentleman from Minnesota (Mr. Sabo) and the gentleman from Kentucky (Mr. Rogers).

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

Mr. Chairman, first of all I want to quote Secretary of Homeland Security Ridge from an Associated Press article yesterday. This is what he said:

"At the end of the day, ladies and gentlemen, if you look at the population, the density of population, the critical infrastructure and the threat, there's one city that no matter how you move those factors around or weigh those factors, there's one city at the top of the list and it's New York City."

I want to associate myself with the gentleman from New York (Mrs. Maloney), the things that she said. We will have other people from the New York delegation speaking about this as well, because we feel very, very strongly about getting the money for homeland security for New York City which is obviously, as Secretary Ridge said, the number one threat.

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. $800 million, or about 30 percent of that, was directed to high-threat areas. The rest of the fund went out under a formula that is entirely unrelated to the threat area, where the thread is greatest. Under this bill, as it is currently drafted for the next fiscal year, the 70 percent that is currently unfunded will have other people from the New York delegation speaking about this as well, because we feel very, very strongly about getting the money for homeland security for New York City which is obviously, as Secretary Ridge said, the number one threat.

In fiscal year 2003, 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 of that was in the supplemental. $700 million was 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 J u n e 1 6 , a couple of weeks ago, and has not been reissued. The application deadline for the $700 million that was in the supplemental is not up until J u n e 7. We have not processed the applications yet. Those monies will be going out there, to New York and the other 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 1.5 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. I think that is a lot of money. 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 with 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. BRADY of Texas. 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 that my own city of Houston, 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 mass transit system, large public venues such as the Arrowhead Stadium, Qualcomm Stadium, site of the Super Bowl. We have numerous military bases and military housing areas, and even a nuclear power plant. Protecting such an extensive list of vulnerable areas requires significant resources. Yes, we are applying for a lot of that money. We are trying. We are doing our best.

Like all of my colleagues, I have heard from my first responders, from the sheriff’s department, the police department, the fire department, the Coast Guard, the port authority, the Navy, the Marines and others about their struggle to protect our critical infrastructure. I believe that they are doing a fabulous job. But they need more, and they need our help. This is an important amendment. I urge my colleagues to support it.

Amendment Offered by Mr. BRADY of Texas

In title II in the item "OFFICE FOR DOMESTIC PREPAREDNESS—DOMESTIC PREPAREDNESS"—

(1) in paragraph (1), after the dollar amount insert "(reduced $200,000,000)";

(2) in paragraph (4), after the dollar amount insert "(increased by $200,000,000)".

Mr. BRADY 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 gentleman from Texas?

There was no objection.

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 targeted to high threat areas. 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 and 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. In fact, an 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 and high density. We have 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 refined in this country. If you were to target America's energy supplies, 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 point 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 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, recognizing that diligent our chairman is in trying to protect communities of all size and all risk.

Mr. WEINER. Mr. Chairman, I move to strike the last word. I ask the gentleman from Texas, the gentleman from New York (Mr. Fossella), the gentleman from New York (Mr. Nadler), and others with whom we have consulted on trying to come up with an answer to some of the fundamental questions. First of all, I think that we can be of agreement because, frankly, every Member, including the distinguished chairman and ranking member, have said that yes, the total number of dollars is probably not enough and this is going to be an ongoing process to see to it that we do allocate enough money to this because, frankly, we have no choice.

I want to thank the gentleman from Kentucky, the gentleman from Minnesota, the gentleman from Pennsylvania, 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 ports 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 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 it. Who should decide how homeland security funds get divided? Should it be my distinguished colleagues on the Committee on Appropriations and those of us in this body,
Mr. SABO. And this amendment, as I understand it, would take some of this little money that we distribute throughout the country and say we are going to cut that from everyone. Where they are working, trying to coordinate expenditures to make most efficient use of the money, we take it from them and give them to a few areas where we have already increased the administration’s budget by $500 million; am I right?

Mr. ROGERS of Kentucky. That is the way I understand the amendment. It would take $500 million and give it all the States in order to beef up this cap from $500 million to $700 million just for the high-density/high-urban area grants.

Mr. SABO. Reclaiming my time, and this is money that local responders can use for buying new equipment in a coordinated fashion, in a State plan or for training to have them become equipped to meet the threats that may occur in this country.

Mr. ROGERS of Kentucky. The gentleman is correct. In addition to that, as we have previously said, the subcommittee increased the amount of money for all of the grant programs of which there are seven, for firefighter training and for grants for infrastructure grants, emergency management grants, formula grants to States and cities and the like. All those grant programs, we increased by $1 billion above what the President wanted and $203 million more than the 2003 levels. So all of the States that have these high-density urban areas that would be eligible for the high-density grants will also be eligible for very larger pots of money that everyone else is trying to share with, and yet this amendment would take from that money and put it into the high-density/high-urban areas. We have gone through this in our subcommittee and in our full committee and we have labored with it and wrestled with it with the gentleman and in a bipartisan fashion from big cities and small, big States and small, and this was the best we could do. We think it is a fair way to do it. And to take the money from one area now and give it to another would open us up to an ugliness that I do not think we need to see in this battle.

Mr. SABO. Mr. Chair, I thank the gentleman for his comments, and I think he has given good advice to the body.

Mr. FOSSELLA. Mr. Chairman, I would open us up to an ug

Mr. ROGERS of Kentucky. I would open us up to an ugliness that I do not think we need to see in this battle.
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 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, $2.7 billion for all 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 unlikely event.

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 one 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 $700 million in. It was $700 million 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 flapping our wings 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
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 folks 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 here. The President in his pre-Veto message said here on the floor: in part, the colloquy that the chairman of the subcommittee engaged in and, in part, in reflection of the last two amendments in particular, which I think point out the real difficult task this subcommittee faces, 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 difficult 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 areas that have 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 somehow unfair for us to have to make those determinations on where exactly all of this goes, taking possibly from one area 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 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), who, through a rigorous and fair process, and the gentleman from New York (Mr. FOSELLA) and others who are involved in this, and I also 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


Public Health Programs

For necessary expenses for countering potential bioterrorist, chemical, radiological, and related threats to civilians, $484,000,000, of which $400,000,000, to remain available until expended, for the Strategic National Stockpile.

BIODEFENSE COUNTERMEASURES

For necessary expenses for securing medical countermeasures against biological, chemical, and related threats to civilians, $3,418,000,000, to remain available until September 30, 2013: Provided, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $3,000,000,000 may be obligated during fiscal year 2004.

Grant Programs

For activities designed to reduce the risk of flood damage to structures pursuant to title II of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3) (B)–(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. 5131 et seq.), $500,000,000, to remain available until expended, of which $500,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): Provided further, That the aggregate amounts awarded under such program shall be reduced by $500,000,000, provided that such grants shall not be awarded to States that are not in compliance with the requirements of sections 406(b) and 407 (42 U.S.C. 406(b) and 407), and that such grants shall not exceed 75% percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77 (42 U.S.C. 11311 et seq.), $153,000,000, to remain available until expended: Provided, That the total administrative costs shall not exceed 3% percent of the total appropriation.
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 our 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, we were saw fit to create 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, with 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 2002, 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 technology and the means to do something about this.

FIRESAT was originally labeled the Hazard Support System and developed by Raytheon 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 subcommittee will present itself to fund this economical and much-needed program.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentlelmen 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 the gentleman for 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 appropriation 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 $310 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 Ridge 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 reallocated 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 prevent an Egyptian sailor attempted to smuggle anthrax aboard a ship bound for North America. We are not giving port security the funding it needs to prevent al Qaeda from gaining port security through the port security funding when the CIA tells us we are more likely to be attacked by a weapon of mass destruction than 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 Ridge announced that the Department of Homeland Security was releasing millions of dollars in port security grants.

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Mr. Chairman, it is about time we start listening.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the Clerk read as follows:

**FIREFIGHTER ASSISTANCE GRANTS**

INCLUDING TRANSFER OF FUNDS

For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $30,000,000 to remain available until September 30, 2005. Provided. That up to 5 percent of this amount shall be transferred to
For necessary expenses in carrying out the Title IV—Other Departmental Operating Expenses

For necessary expenses pursuant to section 360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may be made necessary for research, development, testing, evaluation, and related equipment, and services; $94,051,000.

For necessary expenses of acquisition, construction, and improvements

For necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of vessels; and repositioning of vessels, $40,000,000, to remain available until expended.

For necessary expenses for research, development, testing, evaluation, and related equipment and services, $4,703,530,000, of which $1,300,000,000 shall be for defense-related activities, of which $25,000,000 shall be from the Oil Spill Liability Trust Fund; and of which not to exceed $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 yachts documented under the United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

For necessary expenses to carry out the Coast Guard’s environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

For necessary expenses for research, development, testing, evaluation, and related equipment, and services; $94,051,000.

For necessary expenses of the Director of Information Analysis and Infrastructure Protection, $81,000,000, to remain available until September 30, 2005.

For necessary expenses of the Office of Inspector General for audits and investigations, $25,000,000.

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 used for protective functions; and not in violation of the Expenditure of Funds Act or in contravention of the Chiefs of Police Act, $903,360,000, to remain available until September 30, 2006.

For necessary expenses for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research; and for the protection of the United States Secret Service, $1,148,700,000, of which $18,000,000 shall be available for protective travel.
available until September 30, 2005. Provided 

further, that subject to the reimbursement of 

actual costs to this account, funds appro-

priated in this account shall be available, at 

discretion of the Director, for the purposes fol-

lowing: training United States Postal Servi-

celaw enforcement personnel and Postal po-

lice officers, training Federal law enforce-

ment officers, training State and local gov-

erment law enforcement officers on a space-

able basis, and training private sector security 

officers on a space-available basis. Provided 

further, that the United States Sec-

cret 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 J. J. Rowley 

Training Center, except that total obliga-

tions for the current fiscal year shall not 

exceed total budgetary resources available 

under this heading at the end of the fiscal 

year. Provided further, That the J. J. 

Rowley Training Center is authorized to pro-

vide short-term medical services for students 

undergoing training at the Center.

Mr. LATHAM (during the reading). 

Mr. Chairman, I ask unanimous con-

sent that the remainder of the bill through 

page 37, line 13 be considered as read, printed in the RECORD and open to amendment at any point. The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The text of the bill from page 31, line 6, through page 37, line 13, is as follows: 

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, MAINTENANCE, AND RELATED EXPENSES

For necessary expenses of construction, re-

pair, alteration, and improvement of facil-

ities, $3,579,000, to remain available until 

expired.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation con-

tained in this Act shall remain available for 

obligation beyond the current fiscal year un-

less expressly so provided herein.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 503. (a) None of the funds provided by 

this Act, provided by previous appropriation 

Acts to the agencies in or transferred to the De-

partment of Homeland Security that remain 

available for obligation or expenditure in fis-

cal year 2004, or provided from any accounts 

that remain available as herein defined, 

shall be available for obligation or expenditure 

through a reprogramming of funds that: (1) 

creates a new program; (2) eliminates a pro-

gram, project, or activity; (3) reduces funds 

for another program, project, or activity for 

which funds have been denied or restricted 

by the Congress; or (4) proposes to use funds 

directed for a specific activity by either the 

House or Senate Committees on Appropriations 

for a different purpose, unless both 

Committees on Appropriations 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 Depart-

ment of Homeland Security that remain 

available for obligation or expenditure in fis-

cal year 2004, or provided from any accounts 

that remain available as herein defined, 

shall be available for obligation or expenditure 

through the collection of fees available to the 

agencies funded by this Act, shall be avail-

able for obligation or expenditure for pro-

grams, projects, or activities through a re-

programming of funds in excess of $5,000,000 

or 10 percent, whichever is less, that (1) 

augments existing activities, or (2) adds new 

activities; (2) reduces by 10 percent funding 

for any existing program, project, or activity, 

or numbers of personnel by 10 percent as ap-

propriated; (3) reduces by 5 percent any 

funds from any general savings from a reduction 

in personnel that would result in a change in exist-

ing programs, projects, or activities, as ap-

propriated; and (4) requires any discretionary or 

formula-based grant program of the Office of Domesti-

c Preparedness (2) any letter of intent from the Trans-

portation Security Administration; or (3) 

any port security grant: Provided, That no 

notice shall involve funds that are not 

available for obligation.

SEC. 512. Notwithstanding any other provi-

sion of law, no agency shall purchase, con-

struct, and/or lease any additional facilities, 

except within or contiguous to existing loca-

tions, to be used for conducting Federal law 

enforcement training without the advance approval of the Com-

mittees on Appropriations, except that the 

Federal Law Enforcement Training Center is authorized to 

obtain the temporary use of additional facilities by lease, contract, or 

other agreement for training which cannot be 

accommodated in existing Center facili-

ties.
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) Just 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 9701 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 3302 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 such fees were incurred and 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 appropriations bill in violation of the House rules.

The CHAIRMAN. Are there others desire to be heard on the point of order?

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

If not, the Chair is prepared to rule.

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 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriations bill in violation of the House rules.

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

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

If not, the Chair is prepared to rule.
is charged with safeguarding our homeland security.

We should not use procedural sleight of hand to disguise the fact that some in this body want to condone that very practice. I am not calling for a vote at this time; however, we House leadership will seriously revisit this issue. It is wrong. It is un-American, and it is a travesty to think about these companies who refuse to pay taxes to this country and yet want to be the beneficiaries of the dollars and bills contracts in order to deal with homeland security. Let us live up to the commitment that 318 of us made last year.

Mr. MICA. Mr. Chairman, the DeLauro amendment adopted by the Committee on Appropriations as part of the Homeland Security Appropriations Bill is in fact a significant change in the procurement policy of the United States, a subject clearly within the jurisdiction of the Committee on Government Reform under House Rule 10.

The DeLauro amendment calls for a broad sweeping contracting ban for so-called inverted domestic corporations and is clearly a change in existing law. As such, this section is in clear violation of clause 2(b) of House Rule 21, providing that no provision changing existing law shall be reported in any general appropriations bill.

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

Mr. NEAL of Massachusetts. 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 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 patriots 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 that that process is more 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 rewarding of rich 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.

The IRS would be after you the next day. There would be no avenue of retraction, 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 this evening than 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 $2 billion that Iraq takes from us and $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 move to strike the last word.

Mr. Chairman, I rise today with my friend, 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 involves 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 reinvited 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 of, 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 and win contracts with 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 those 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 an opportunity to do this with 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 in support 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 the basis of formula that relates 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 facilities 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, it is crucial that this concept of delivering moneys only on the basis of population and not on the basis of formula that relates 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 facilities because al Qaeda terrorists in the past have talked about attacking the energy sector as a way of damaging America’s economy, officials said.

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 departments, 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 and assume 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. McHUGH). The Clerk will read.

The Clerk reads:

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 a significant number of passengers being treated mistakenly as 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;

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

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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 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 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, that in every way it is similar to what we have already considered and if that bill were 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 what their employees do 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 and development of these plans to have a GAO study.

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

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

Mr. WAMP. Mr. Chairman, I think 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 we 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 $580 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 that we need and good to the point of order. 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 throughout 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 attached 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 resource it is, in my view, one of the more important issue that we attach Buy American provisions to than securing our homeland, to make sure that we actually control as much as possible what these products actually are, to make sure that we know what they say they are, and that we know what we are getting if an event happens once again.

So, 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:

SEC. ____. None of the funds made available
in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a-10c).

Amendment offered by Mr. Markey.

Mr. Markey. 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 amendment was agreed to.

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The CHAIRMAN pro tempore. The amendment was agreed to.
one of us, justifiably so, and every American, more than 100 million, who get onto 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 posed to the passengers or that 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 people 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, I mean 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 has been available to American air carriers, use to screen cargo in international airports every single day of the week all day long. Who does 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?  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 11/2 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 one not, one, not two, not three, but we might have 180 planes of freight being shipped in. It 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 an important an amendment as we are going to be called on to vote on this year in Congress.

Mr. ROGERS of Kentucky. Mr. Chairman, in opposition. TSA currently screens cargo, basing on the amendment 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 security 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 detection and prevention 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 aircraft. TSA does not have the staff or technology in place to do that. For example, airport screeners screen passenger 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 loaded on. In these 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 prepared onto pallets at air cargo facilities nowhere near the airports; and to implement this amendment, the cargo would need to be screened at these off-site locations. Ac-cording to an analysis prepared by Battelle just prior to 9-11, 100 percent screening of all cargo on passenger carriers would require at least $500 million in the first year alone. That includes procurement of equipment, installation, training, and staffing. It would require for the bill to be passed this year alone to include 6,600 screeners and 1,100 supervisors.

If we adopt this amendment, TSA would need to hire a substantial number of new staff to inspect cargo and install new technologies at all of the warehouses.

Even if there was sufficient funding in the bill, which there is not, it is not logistically possible to have all of these screeners and technologies in place by the beginning of the fiscal year. TSA is currently in compliance with the Transportation Security Act, which requires TSA to provide adequate security measures for air cargo. The law does not require every piece to be screened or inspected, as this amendment would require. The money-strapped airlines would have to refuse to allow airlines to transport any cargo until all of it can be screened, and it would point out that the money-strapped airlines would be sorely tried trying to do this, and it would greatly impact their bottom line.

Currently, the only cargo airlines can ship on passenger planes is from a known shipper. They cannot, for example, ship any mail above 16 ounces because the shippers may not be known.

So, Mr. Chairman, I understand the obvious meaning of the amendment. I appreciate the concept the gentleman has. We have tried to address that in the bill with $50 million to begin to address the problem. To adopt this kind of a drop-dead provision would mean chaos in the airlines. It would not substantially increase the security that is now ongoing in loading cargo onto planes. The Known Shipper Program is reliable. It is working, and while we spend the $50 million this coming year to begin to try to get the machines and technology in place to be able to screen, as we do, we have more freight in most cases, this money should be sufficient for that purpose. So I would urge defeat of the amendment.

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

Mr. Chairman, I rise to speak on the Markey amendment, and that issue is the glaring hole that remains in our airline security. It is a shocking realization for most Americans to learn that an airliner full of cargo that is in the hold of an air passenger plane when they get on a plane to go on vacation or work travel, that almost half of that cargo is commercial cargo that is
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 required 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 blast detectors, to a database of known shippers; but it requires that the job get done. The airline industry is laughing with a slenderthread. Terrorists do not have to hijack our airplanes anymore 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 shoes off and remove the toenail clippers from our carry-on luggage, but the fact that in the hold of that plane are huge containers which have not been inspected by anyone. And when we consider the fact that cargo is being shipped that the cargo, the opportunities when the freight is forwarded to include explosive or other dangerous materials in that cargo, it is extraordinary.

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 us on September 11. We have to be forward-thinking and recognize that there are wholesale gaps in what we are doing to protect the American people. I applaud my colleague for raising this issue in the House, not because I think we are doing well enough, but because I think we can do better.

Mr. MARKEY. Mr. Chairman, the bottom line is as long as cargo and baggage screening is incomplete, there are never screened by anyone for explosives. That is just wrong. We have to do better.

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 going to happen because we cannot run the risk of this kind of 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. The gentleman from Connecticut (Mr. SHAYS) is right, 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. SHAYS. Mr. Chairman, the bottom line is a cargo 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 will require that the 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 is 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 known-shipper program for cargo, on the other hand, going on the same very same place, only requires a piece of paper. They do not know what warehouse it really came from.

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Mr. Chairman, I rise in strong support of this amendment, which will require that the 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.
clearly believe that our work is not complete. We mourn the loss of the Pan Am 103 and other tragic acts. Pan Am 103 was a suitcase that was unaccompanied, before our knowledge reached the sophistication of terrorists. Now we cannot speculate what might happen if a suitcase is unaccompanied, unfortunate and tragic act. Let us be proactive and get in front of this question and help the committee in the way that we could and can help it, and, that is, to look favorably on the amendment offered by the gentleman from Massachusetts.

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

Mr. Chairman, I rise to support this amendment. But what I want to say more than anything else is that I think that those of us who serve in this Chamber deserve to tell the American people the truth. I believe that most after night after night that an airplane is going to have to haul in this enormous equipment and make sure that every bag was screened, what an uproar. Nobody would stand there and do it, 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 working overtime and 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 mourn the loss of those who over the years have died in terrorist attacks and in particular the Pan Am 103, which in my community we lost an endeared family member, we will be able to assure that we have done as much as we could do in that area.

This is, I must say, this is an important amendment recognizing the hard work of this committee and the efforts that have already been made, but I clearly believe that our work is not...
there further discussion on the point of order?

Mr. MANZULLO. My understanding is that the gentleman was going to re-
serve a point of order so I could get my point across.

Mr. TOM DAVIS of Virginia, I re-
serve the point of order.

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

Mr. OBEY. Mr. Chairman, I would also re-reserve a point of order on the
amendment.

The CHAIRMAN. The gentleman from Wisconsin also reserves a 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 manu-
facturing 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 per-
cent 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 defense industrial base.

In 1981, Rockford, Illinois, my dis-
trict's largest city, had an unemploy-
ment rate of 24.9 percent, the highest
in the Nation. Today it is around 11
percent. We do not want to see a recur-
rence of what happened in 1981. But we
are losing our industrial base in this
country. Unlike the past when fac-
tories were closed during an economic
downturn but reopened when times im-
proved, today a too-frequent outcome
is the permanent closure of the fac-
tory. 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 Fed-
eral Government to purchase domesti-
cally produced products. But that only
means 50,001 percent has to be Amer-
ican 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 hap-
pened in Rockford, Illinois. After 112
years, the International Ingersoll Milling
ceased operations. The Rockford ma-
chine tool maker was one of only two
companies to make machines to shape
radar absorbent composites into the
skin of stealthy warplanes. In bank-
rupcy, a Chinese state-owned enter-
prise is trying to buy Ingersoll. The
only plant that is left is in the United
States and in Kentucky and that is Cin-
cinnati Machine. They have just down-
ized from 750 people to 350 people. We
are losing the ability to have manu-
facturing facilities to defend the
United States. The purpose of this
amendment is to build that manufactur-
ing core to say, wake up, Wash-
ington, wake up, America, the manu-
facturing jobs are gone, the security of
our Nation is being imperiled.

This amendment simply increases
the Buy American content from 50 per-
cent to 65 percent. It is so simple. The
money is being used to protect our
Country, 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 col-
leagues, urge them, to pass this, to
adopt this amendment to help
the restoration of our manufacturing
base.

Mr. TOM DAVIS of Virginia. Mr. Chair-
man, I move to strike the last
word.

Actually, this amendment would
radically change the current applica-
tion of the Buy American Act to pro-
hibit products made in America even if
most of the cost of the parts is una-
mounted. This substantially
increases the 50 percent test as pro-
vided in the current regulations.

Some companies have responded to
the greatest threats by restricting sup-
pliers by establishing costly, labor-in-
tensive product-tracking systems that
are not needed in the commercial busi-
ness 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 govern-
ment access to some of the latest, most
cost-effective products in our fight
against terrorism and preserving home-
land security. This radical Buy Amer-
ican 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. 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 hap-
pen 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 every-
body 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 Sunday said, “North Carolina’s
Trade Deficit Soars. Manufacturing
Slide Continues Despite Decline in Dol-
lar.” One in four North Carolinians em-
ployed in manufacturing have lost
their jobs during the past 5 years. Plants
across the State are closing their doors
equally, 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 will 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
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. As such goods from
those United States sectors that are
the best in the world. A recent ad-
mission from the Pentagon underscores
the need for the U.S. to retain its manu-
facturing base. The Swiss Government’s
refusal to provide crucial bomb components
during Operation Iraqi Freedom could have
hampered our efforts in the fight effec-
tively if the war had lasted a little longer.

We cannot afford to be ham-
strung by countries that disagree with
our intentions and our goals as we de-
 fend 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 com-
mitment than providing our first re-
 sponders with American-made prod-
 ucts, procured with taxpayers’ dollars.

Mr. MCCOTTER. Mr. Chairman, I rise
to address the point of order.

The CHAIRMAN. The gentleman’s
point of order is reserved. The gentle-
man 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 entre-
preneurs and the people who create
wealth in this country, those tax dol-
ars should not be used by their govern-
ment to put them out of work or to
decimate our manufacturing base. I be-
lieve that this is a reasonable amend-
ment, and I wholeheartedly support it.

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

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

As we take the point of order be-
cause it proposes to impose new duties
and constitutes legislation on an ap-
propriations 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 not in 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 Chair.

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.

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

The CHAIRMAN. The Chair recognizes 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 CHAIRMAN. 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:

[Roll No. 306]

AYES—385

Collins
Cooper
Cramer
Craswell
Cresawn
Crowley
Culbreth
Cummingham
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, J. Ann
Davis, Tom
Deal (GA)
Defazio
DeLaunay
Delauer
DeLay
DeMini
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dole
Doolittle
Dreier
Duncan
Dunn
Edwards
Eilers
Emerson
Engel
Eshoo
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franklin
Frelinghuysen
Frost
Galgley
Garrett (NJ)
Gibbons
Gillibrand
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Grijalva
Greenspan
Gutknecht
Hall
Haller
Harman
Harper
Hayes
Hefley
Hensarling
Herger
Hill
Hoskins
Hoefler
Holden
Holt
Hoyle
Hornbeck
Horsley
Hostetter
Houtz
Howard
Houser
Howell
Howie
Hoyt
Hulshof
Hunnicut
Insko
Issa
Jackson (IL)
Jackson (MS)
Jackson (NY)
Jackson (RI)
Jackson (TX)
Jackson (WA)
Jackson (WI)
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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 to be able to give and free the hands of the appropriators on the many, many needs 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 local communities, and the resources they need.

Mr. Chairman, my amendment specifically and particularly isolates the crux of the problems that I have heard from the appropriators on the many, many issues. In fact, Mr. Chairman, in a hearing with Secretary Brown, an Assistant Secretary under the Homeland Security Department, in his energetic testimony he acknowledged the importance of involving the local community in their own security.

I do not know if many of my colleagues are aware that in the Homeland Security authorizing legislation there are the concepts called citizen corps. These are organizations that are resident in our respective communities, engaging neighborhoods, towns, cities and rural areas in their own security. But yet there is no funding for those particular entities. This amendment simplifies or asks that the process of getting funds to our local entities be expedited so that a percentage of funds be provided directly to fire departments in urban and rural areas, police departments, law enforcement, first responders, hospital districts, school districts, city and county governments, non-profit organizations, port security and critical infrastructure and citizen corps groups in the 10 cities most vulnerable to terrorist acts.

Let me share with you, Mr. Chairman, testimony from Chief Cunningham in our field hearing just this past weekend, the Chief of the Port Police of the Port of Los Angeles. His words can apply to ports all over the Nation, but also to communities all over the Nation.

Since 9/11 we have spent approximately $6 million of our own funds to enhance port security. We have added staffing and equipment resources for our port police. What they actually need, Mr. Chairman, is they need resources, because you will, for their personnel. That is one of the things that we heard, that buying equipment, which is some of the limiting requirements of grants, is not their 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.

Mr. Chairman, I think the amendment I had discussed in the rules, and that is to make sure that no monies are spent as an abuse of power at the Department of Homeland Security. That is, of course, whether you think it is humorous that 55 Democrats in the House of Representatives, 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, 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. Chairman, I yield to the gentleman from Kentucky.

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 of government within 90 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 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 dangerous high terrorist vulnerable areas are that the processes are so difficult.

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 our 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 visits last weekend, 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 distributed to the States. States are then required to have their own grant application process for funds disbursed by the Department of Homeland Security. This unnecessary application process preventing 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 attacks without further unnecessary delay. This amendment protects America’s citizens and I urge my colleagues to support this amendment.

**AMENDMENT TO HOMELAND SECURITY APPROPRIATIONS BILL, 2004 OFFERED BY MS. JACKSON-LEE OF TEXAS**

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

SEC. 2. 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 the use of the surveillance powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to—

(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 activity in any home, office, or other location; or
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 prohibits the use of funds made available to the Department of Homeland Security from being used for political purposes, or other purposes not related to homeland security.

In the course of the recent redistricting controversy in Texas, several allegations of misuse of resources of the Department of Homeland Security surfaced. Specifically, there were reports that the Air and Marine Interdiction Coordination Center, which is staffed by employees of the Department of Homeland Security, received a telephone call asking the Coordination Center to locate a particular aircraft that belonged to former Texas House Speaker Pete Laney. There were also allegations that surveillance was conducted on private and business phones, and that the Department of Homeland Security was involved with the Texas Department of Public Safety in the destruction of documents related to the redistricting controversy.

The use of Department of Homeland Security resources for political purposes endangers the lives of American citizens. While hundreds of millions of dollars are authorized and appropriated to protect our homeland, every one of those dollars is needed to protect us from terrorist attacks. The police departments, fire departments, emergency medical staffs, hazardous materials teams, and other first responders across the country are in dire need of equipment and operational funds. Every available dollar appropriated for Homeland Security should be used for homeland security initiatives.

My amendment to the Department of Homeland Security Appropriations bill will ensure that funds are not misused for political purposes, or other purposes not related to homeland security. My amendment will also ensure that the wasteful, political use of funds that occurred in Texas last month does not occur in other cities.

Mr. Chairman, my amendment is a non-partisan proposal that will protect the constituents of every member of this committee, and every Member of the House of Representatives. I urge my colleagues to support my amendment.

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

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

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ROGERS of Kentucky. Does the gentlewoman have a statement she would care to make in regard to the amendment?

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will withdraw this amendment, but let me just simply say very briefly that our responsibility is to ensure the homeland, and I, in my advocacy, believe that is the neighborhood.

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 staffs, 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. 7. None of the funds made available in this Act shall be used to enter into any contract to purchase 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 restriction in the preceding sentence on a case-by-case basis by certifying 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 by a nonUnited States.

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

The CHAIRMAN. The gentleman reverts 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 purchase 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 already contracts 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 has not had these domestic manufactured provisions for components. I believe our government should contract with American firms whenever possible. The Federal Government 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, we tragically learned 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 workers working in 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 foreign contractor. 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 choice. He can insist and press on with his point of order and continue funneled 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 gentlewoman has yielded back.

Does 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. KNOLEMBERG. 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 purchase 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.”

“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 two options. 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, or manufactured 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 accepted, 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 be fooled by what seems to be 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 Coast Guard's 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 efficient, 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 rephrased 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 that contravenes authority; and, therefore, the amendment constitutes legislation in violation of the point of order. If the point of order is sustained, the amendment is not in order.

AMENDMENT OFFERED BY MS. WATERS

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

The Clerk read as follows: Amendment offered by Ms. WATERS: At the end of the bill (before the short title), insert the following:

Sec. 101. (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 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. WATERS (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 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. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, if the gentleman from Wisconsin's (Mr. OBEY) amendment had been accepted, there would be no need for my amendment. His amendment did what I think needed to be done in order to make our Homeland Security less of a money grab.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have shored up what we say we want to do by appropriating $1 billion to improve aviation security, maritime security, infrastructure security and border security.

Now, it seems to me if this administration was serious about homeland security, we would not hear these weak arguments that we are hearing on the floor tonight. It is absolutely amazing the number of people on the other side of the aisle, my colleagues on the other side of the aisle can get up and defend against needing more money to make
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, and 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 per year. 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 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 study did conclude that the expanding capacity of the airport could make it slightly more vulnerable to terrorist attacks at LAX. 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, 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 security risks 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 the world is safe, then something is 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 Chair finds that this amendment does include language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI, and the point of order is sustained and the 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. 642. 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 by 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, P.L. 104-208.

Mr. TANCREDO. 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, 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 what 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 what the original law applied to, in what form?

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

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 the Secret Service, FEMA, and a number of other agencies.

To me, this amendment substantially expands the scope of the coverage and, therefore, I think this 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 is solely a negative restriction on funds in the bill without changing the application of the law, therefore, I think is legislation on an appropriations bill.

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, it 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. ... In addition to the amounts provided elsewhere in this Act, the amount of $3,000,000 is hereby appropriated to the Secretary of Homeland Security for a grant 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. 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.

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 am about 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 in the fight against 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 first line 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 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 partnerships. This, I think, 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.

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 that when we try to secure the homeland 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 reserve a point of order. 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. Congress needs to work on effective immigration controls necessary to add to the safety of the region.

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 homeland, and I 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, desperation causes us to want to move the Department faster, to want to move the funds faster, to want to simplify the process to ensure that monies are gotten directly to those who are doing research. I also want to add, Mr. Chairman, the importance of including Hispanic serving institutions in research, which is what this BioShield effort will do and these monies will do, historically black colleges, Native American institutions, Asian Pacific so we can expand the reach and serve diverse communities. So though we may not be able to move forward today, we clearly should be moving forward to be of greater assistance to those who are securing the homeland.

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, to establish 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 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 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 providers 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 groups, schools, parents, students, youth, 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 workshops. The local focus of the event 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 M已经 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 support the 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.

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

The 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.
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 11th have illustrated the importance of strict enforcement of immigration laws and regulations. Likewise, the events in the aftermath of September 11th, 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 regard to fighting terrorism.

Houston was ranked number seven on the list of cities most vulnerable to a terrorist attack by the Secretary of the Department of Homeland Security. As such, effective immigration controls are necessary to protect Houston from terrorist attacks. The homeland security/immigration enforcement component of Houston’s Bureau of Immigration and Customs Enforcement will promote public safety and local security by deterring illegal migration, preventing immigration-related crimes regarding terrorism, and removing individuals, especially criminals, who are unlawfully present in the Houston area. This mandate is carried out by the Immigration Investigations, Detention and Removal, and Intelligence Departments.

The Immigration Investigation Department, and their staff of field agents, investigates violations of the criminal and administrative provisions of immigration law and nationality acts. The Detention and Removal Department is responsible for the supervision, detention, and removal of aliens 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 derived from the National Office, and collects and analyzes immigration intelligence for the Houston area.

The funds will be used to finance existing immigration enforcement programs, and to develop new programs to improve immigration enforcement and reduce the likelihood of terrorism attacks in the Houston area.

Mr. Chairman, if terrorists are unable to breach the borders of the United States their ability to perform terrorist acts will be all but eliminated. I propose my amendment to fund the immigration control efforts in the city of Houston. I urge my colleagues to support my amendment.

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

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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 crisis that exists 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 forth-with.

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 the amendment offered by the gentleman from California (Mr. FILNER), and the amendment offered by the gentleman from Massachusetts (Mr. WEXLER) are both voted on.

Mr. STRICKLAND. 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. ENGLE. Mr. Chairman, I move to strike the gentleman's amendment.

Mr. Chairman, I also want to talk about FEMA. FEMA is now under the 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 going 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 I speak about a matter of homeland security to my 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 dis-trict of Bronx, Westchester, and Rockland Counties. Indian Point is located 35 miles north of midtown 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 World Trade Center.

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 power plant that is the 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, I want to say I am not anti-nuclear power, but I am anti-nuclear power 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 because FEMA must be forced to take the post-911 world into account when it evaluates the offsite emergency evacuation plan.

Mr. Chairman, I suggest to the gentleman asking that this request for supplemental funds be coming forth-with.

Mr. YOUNG of Florida. I yield to the gentleman from Ohio.

Mr. STRICKLAND. 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. ENGLE. Mr. Chairman, I move to strike the gentleman's amendment.

Mr. Chairman, I also want to talk about FEM. FEMA is now under the 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 going 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 I speak about a matter of homeland security to my 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 dis-trict of Bronx, Westchester, and Rockland Counties. Indian Point is located 35 miles north of midtown 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 World Trade Center.

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 power plant that is the 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."

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Announcement by the Chairman

The CHAIRMAN (Mr. T. A.oxley). The pending business is the request for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. Maryland). The vote was announced as above recorded.

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which I have restated in this amend-ment. It simply says that with-stand-ing 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 city, a county, a State, or local government entity or offi-cial from sending to or receiving from the Immigration and Naturalization Service information regarding the citi-zenship 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 sanctions, 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. Re-cently, as a matter of fact, the City of New York rescinded an ordinance that for 20 years had prohibited police officers from not communicating——

Mr. TANCREDO. Well, there are sev-eral other cities that have disregarded the law. Re-cently, as a matter of fact, the City of New York rescinded an ordinance that for 20 years had prohibited police officers from not communicating——

Mr. SABO. Mr. Chairman, if the gentle-man will yield, I am having trouble following what this amendment does or does not do. It may be of significant relevance to some people.

Mr. TANCREDO. Mr. Chairman, if the gentleman will yield, I am having trouble following what this amendment does or does not do. It may be of significant relevance to some people.

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Mr. TANCREDO. Mr. Chairman, if the gentle-man will yield, I am having trouble following what this amendment does or does not do. It may be of significant relevance to some people.
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 that is to it. Not, as you have described it, 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'm really 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 Illegal 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 Jaw-breaker 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, 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 it's a real problem, and it says, 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 because it is 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 because it is the Illegal Immigration Reform and Immigrant Act.

Mr. OBERRY. 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 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 this gentleman has just said. It is, it says that if any city in the 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 sanction, this will put 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 taken up 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. If 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. And that is exactly what I want to do. Because, Mr. Chairman, there is in fact cities that are violating that law. We passed it in 1996. There has got to be some way for us to impose some sort of sanction or repeal the law with or if it is on the books, let us have in some teeth.

Mr. ROHRABACHER. Reclaiming my time, the purpose of this amendment is clear. We are trying to have cooperation throughout the country in a matter that is vital to our national security and the safety of our people. If there are people in those governments, in those cities that are refusing to cooperate with us, refusing to permit those who are responsible for protecting our borders to get assistance, they should not be getting funds. This is how we will encourage them to get involved and to help protect America.

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

Mr. Chairman, three quick points. Number one is this says none of the funds, no funds will go to any municipality, any State entity, any governmental entity for any homeland security purpose if they have chosen in a totally legitimate way not to give information about someone's citizenship like mine or anyone else's because that is what the gentleman's amendment reads.

This is a coercive action against any State, municipal or other entity to say to that State, municipality or other entity, you must do a series of things, including giving information on a person's citizenship status, like my citizenship status, to the INS. So much for State rights, so much for the local municipalities know best. So much for all I have listened to for the last decade.

This is an unfunded mandate on all of those governmental entities making it an extension of what was the INS. That is what you really want to do.

Lastly, you can keep taking lessons in Spanish, but if this is your Hispanic outreach we want none of it. I urge a no vote.

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

Mr. Chairman, I am not a lawyer but in spite of that I think I understand the intent of this amendment. As I understand it, we have a law that has been in effect now for 7 years which is really being violated by a number of cities. The Mayor of San Francisco, for example, told her police not to give information to INS. This is a clear violation of the law.

No, things is going to happen to any city or any jurisdiction if they just follow the law. When you do not follow the law, you end up in jail if you are an ordinary citizen. These cities and jurisdictions that are violating this law need to understand that the law needs to be kept.

All this amendment says is if they do not follow the law which has now been in effect for 7 years, they are not going to get the funds. And 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 do not want to break the law, they will 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 look at 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, State and local enforcement of the law is the real problem of those children in our public school systems in this country whose parents do not have a legal status in this country. 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 we 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 their cities.

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 who care to say that immigrants are bad to 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 that he talked with the President of Mexico for one 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 rid of 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 eat the oranges from Florida. 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 have a debate tonight where one person can go and put a claim, I got the immigrants today. I feel so proud.

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 have my 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, to give us an opportunity to go forward on immigration policy. I have not had an opportunity to review this amendment. This House, the committees, the administration in support of this immigration laws and they will begin to provide information. They too will lose their fund. It does capture is our fear of politics, that this is a sensitive issue, but what we need to have a policy statement, a discussion on immigration policy, that will take us down that very area will be fearful that the long hand who happen to have a foreign name, that it goes down the tube; but I hope is not voting 10, as follows:

AYES—102

A recorded vote was ordered.

The question was taken; and the recorded vote. The result of the vote was announced as above recorded. The CHAIRMAN (during the vote).
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 subcommittees have given us as we crafted this bill in a bipartisan way, and for all of the Members who have conducted the debate today, I think, in a very high-minded way.

I want to especially thank my colleagues, my ranking member, the gentleman from Minnesota (Mr. Sabo), who 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 single out the vice chairman of the subcommittee, the gentleman from Florida (Mr. Young), who was helpful in the drafting of this bill, but, I do, most importantly, had the courage back in the wintertime 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 existed.

Accordingly, the Committee rose.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. Shimkus) having assumed the chair, pursuant to House Resolution 293, he directed the printing of the bill, and the Speaker pro tempore (Mr. Shimkus) reported the bill back to the House pursuant to House Resolution 293, he directed the printing of the bill.

The SPEAKER pro tempore. Members of the Subcommittee of the Whole House of the State of the Union, reported that our subcommittee, 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 tempore. Under the rule, the previous question is ordered.

If a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on suspending the rules and passing H.R. 1416.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

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