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

Beast regards,

NANCY PELOSI, Democratic Leader.

GENERAL LEAVE

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

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

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

The Chair recognizes the gentleman from California (Mr. COX). The Speaker, I ask an unanimous consent that the House may be considered as having from Mississippi (Mr. THOMPSON) each of the aile have never forgotten for a single day since September 11, 2001, that the security of the American people must be placed above politics.

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

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

Within that constraint, we have been able to accomplish a great deal more for the security of the American people and for this country. We fully fund the $3 billion appropriated for the Intelligence Community in the Intelligence Reform Act passed last year, and we increase the Department of Homeland Security’s funding by nearly one-quarter of a billion dollars for this purpose.

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

Within the Department of Homeland Security budget that this House has already approved, we have authorized $60 million in additional funds to support the training of State and local law enforcement personnel so they can help enforce Federal immigration laws. This provision is contained in a separate amendment that today with the gentleman from Wisconsin (Mr. SENSENBERGER) of the Committee on the Judiciary.

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

Prevention of terrorism requires that information sharing about terrorist threats be seamless, that it be timely, and that that communication be secure. That is exactly what this bill accomplishes, both within the Department of Homeland Security and across the Federal Government and with our State, local and private sector partners.

This Department of Homeland Security with new tools to build a robust intelligence capability. It strengthens the partnership with these other stakeholders.

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

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

This authorization bill is shorter this year than it will ever be in future years. That is because, first, the Department has just recently written the entire legislative charter for the Department.
Second, we have a new homeland security Secretary who is just concluding his top to bottom 90-day review of the entire department. We want to give Secretary Chertoff the opportunity to draw his own road map, both organizationally and programmatically, of where this should go.

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

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

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

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

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

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

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

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

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

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

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

The present authorization bill is very, very short on content, but nonetheless it is a start. There is no comparison between this bill and what I am convinced that at the end of the day Members will recognize we have a long way to go and there can be no effort or wasting time. We must do what it takes to make America secure. I hope that we were not too close the security gaps left by this bill.

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

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to first of all add my thanks to both the chairman and the ranking member of this committee for their hard work in crafting this bill and bringing it to the floor.

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

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

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

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

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

I would say that I am very proud of the fact that the bill that has been brought to floor is a bill that got the support of this body. One is mentioned by the ranking member that I believe is a real step forward is establishing the position of Assistant Secretary for cybersecurity. There is a need to have a concentration on that issue. There is a need to have that at a heightened level. There is a need for us to understand the embedded nature of cyberoperations in our society, both public and private. I believe that we have on a bipartisan basis reached that conclusion.

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

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

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

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

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

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

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

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

I urge my colleagues to support the bill.

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

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

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

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

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

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

Prevention, however, should not be limited to our borders. H.R. 1817 authorizes approximately $200 million in funding for a new nuclear detection office which will play a substantial role in coordinating the overseas non-proliferation efforts of the Federal Government. This happens at a new airport in the world, Heathrow, and in Canada; but it does not happen in the U.S. 9/11 Commission Chairman Kean told the Committee on Homeland Security that everybody should go through metal detectors without exception. We have spent tens of billions of dollars on passenger screening, but have nevertheless left gaping holes in the security of our airports.

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

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

Mrs. LOWEY. Mr. Chairman, I rise in support of this bill. I want to commend the gentleman from California (Mr. Cox) and the gentleman from Mississippi (Mr. Thompson) for following through in their quest to join me in taking an additional step forward in this effort by supporting H.R. 1817.

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

Mrs. LOWEY. Mr. Chairman, I rise in support of this bill. I want to commend the gentleman from California (Mr. Cox) and the gentleman from Mississippi (Mr. Thompson) for following through in their quest to join me in taking an additional step forward in this effort by supporting H.R. 1817.

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

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

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

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

Mr. Chairman, government has no greater responsibility than that of protecting the rights and freedoms of its citizens. I urge my colleagues to join me in taking an additional step forward in this effort by supporting H.R. 1817.
Mr. THOMPSON, ranking member, will offer later today. The gentleman from Mississippi will improve this authorization by better funding our border security in aviation research. His substitute will provide the tools necessary to secure our chemical plants and ports, just to name a few. This is important for homeland security and the Committee on Homeland Security and for Congress as a whole. I thank the chairman and the ranking member for all of their hard work.

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

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

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

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

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

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

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

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

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

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

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

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

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

That does not make sense to me. We are supposed to be protecting our law enforcement people and certainly our Federal employees. Anybody on a Federal terrorist watch list can buy assault weapons with the large capacity clips. We tried to add that and it used the large capacity clips. We saw what all these people can do with only box cutters and boarding passes. What makes
it so easy for them to buy guns? Why is Congress ignoring this serious homeland security threat that we are facing? Why do we allow our enemies on the war on terror to arm themselves within our borders and make it so easy for them to do so?

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

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

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

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

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

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

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

The bill indeed puts resources where the American people is paramount for all of us. Both sides agree on that, and I hope that we can have a new dialogue on how we talk about gun safety in this country, and part of it has to be homeland security.

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

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

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

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

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

I would also like this Chamber to recognize that so much of this bill is focused on streamlining homeland security efforts, from better coordinating the various agencies to facilitating communication with local officials. I strongly rise in support of the creation of regional offices, which are called for in the committee report, because I believe that would aid these efforts.

These regional offices would create a stronger platform to lead national efforts to set priorities, identify critical vulnerabilities, and to coordinate State, local, and private sector entities in order to protect our homeland from terrorist attacks.

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

For those reasons, I strongly rise in support of these provisions that shift
our funding to one based on the risk and threat of actual attack as opposed to just politics. Louisiana is already home to a Coast Guard and border patrol regional office. We certainly hope that when the Department does come and is given permission to revise and work done on port security that really and was given permission to revise and extend her remarks.)

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

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

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

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

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

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

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

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

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

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

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

In the markup hearing of the Committee on the Judiciary held on May 12, 2005, I offered an amendment on behalf of and in conjunction with my colleague from California, who serves on the Democratic Caucus Task Force on Immigration, and First Vice Chair of the Congressional Hispanic Caucus. As I serve as the Ranking Member of this Committee’s Subcommittee on Immigration, Border Security, and Claims, I want to emphasize that this important amendment that would require the collection of data on immigration consultants and “notarios” who conduct fraudulent immigration services for compensation, I was happy to offer this amendment. I thank the gentleman from Wisconsin, the Chairman of the Committee on Judiciary and the Ranking Member from Michigan for their collaborative support of this amendment, which we accepted and incorporated as Section 506 of the Amendment in Nature of a Substitute that we consider today. During the 13-hour Homeland Security Committee markup session that ended at 11:15 p.m. I was able to secure sincere commitment from the Majority Leadership to work with me for inclusion of some of my major initiatives: funding and more clearly defining the Citizen Corps and the Citizen Corps Council—which will include consideration of a stand-alone bill that I will introduce shortly; and increasing capacity for Historically Black Colleges and Universities, and other Minority Serving Institutions, and Tribal Institutions in Homeland Security procurement and in employment with the Department of Homeland Security. In addition, I was fortunate to have had my amendment, co-sponsored by the Gentlemen from California, Ms. LOFGREN, that seeks to authorize the funding of programs for the education of minorities in the areas of cybersecurity, research, and development to close the gap in achievement in those areas, to make America better equipped to fight terrorism overall. Furthermore, I achieved an agreement from the Majority Committee Leadership to collaborate on addressing the issue of border violence, an initiative that the distinguished Chairman of the Appropriations Subcommittee on Homeland Security commit to addressing, as evidenced by his support for an amendment that I offered yesterday during the House’s consideration of the appropriations measure, H.R. 2360. Not only do I hope to see this language survive the deliberations of the Conference, but I hope to see follow-through by the Homeland Security Committee with the bi-partisan letter and with consideration of the amendment that I plan to offer during our consideration of H.R. 1817.

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

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

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

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

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

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

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

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

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

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

The Republican leadership has denied a debate on the House floor on the very important issue that passengers who
fly on commercial flights across America, tens of millions of Americans a year who put their families on commercial flights, are put in the situation where they take off their shoes, they have their computers checked, they have their bags which are inspected on those flights. But we know that al Qaeda is trying to infiltrate commercial flights in America.

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

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

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

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

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

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

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

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

RAPI SAC SYSTEMS, Haughton, CA, May 9, 2005.


DEAR REPRESENTATIVE MARKY: We applaud your efforts to focus more attention on the glaring hole in the United States’ aviation security — lack of cargo inspection. Rapiscan Systems develop, manufactures, installs, and services the world’s widest array of non-intrusive inspection systems for airports, seaports, border crossings, military installation. Currently Rapiscan Systems provide nearly half of the checkpoint security systems at U.S. airports. Included in our portfolio of systems is an air cargo inspection system that is used to inspect fully- loaded cargo containers. This system is being installed at George H.W. Bush International Airport in Houston, Texas and Ted Stevens Anchorage International Airport in Alaska.

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

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

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

CONTAINERIZED CARGO INSPECTION MAINTAINS CURRENT AIR CARGO FLOW OF COMMERCE.

While TSA and other government agencies have evaluated break-bulk cargo x-ray inspection systems (Rapiscan also manufacturers these systems), only PFNA can inspect containerized cargo. The difficulty with break-bulk systems is that they require containerized or palletized cargo to be unpacked to inspect. This adds hours to inspection time and makes some technologies unfeasible for use. PFNA systems inspect fully loaded cargo containers and pallets for aviation-quantity threats (established by TSA). This allows for present and future inspection systems.

PFNA systems meet the time constraints of the air cargo environment.

AIR CARGO INSPECTION CAN BE PROVIDED WITH CURRENT SCREENER CORPS.

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

As congress debates the policy surrounding air cargo inspection, Rapiscan Systems offer our support for the Bill introduced by you and Congressman. We would like to extend its support for the Bill being introduced by you and Congresswoman. The Bill which addresses the need to improve Air Cargo Security. As you know, potential threats in current Air Cargo could go undetected due to the lack of a comprehensive inspection requirement or strategy.

Finding a broad range of potential explosive threats in Air Cargo is a challenge to todays technology. Air Cargo security as a priority and a willingness to think about the problem differently. In some cases they use X-ray technology to inspect cargo prior to loading a container or pallet. Others use current technology to inspect cargo and container to find anomalies in the cargo such as bulk explosives, radioactive materials and stowaways. They can also determine if the cargo looks different from what the manifest stipulates, if there are false bulkheads or floors or there are extra or unusual containers present. Any of these anomalies can indicate the presence of a potential threat.

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

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

We support your efforts and trust that our continued efforts can be helpful in your continued efforts.

Sincerely,

Peter Kant, Vice President, Government Affairs.


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

Finding a broad range of potential explosive threats in Air Cargo is a challenge to todays technology. Air Cargo security as a priority and a willingness to think about the problem differently. In some cases they use X-ray technology to inspect cargo prior to loading a container or pallet. Others use current technology to inspect cargo and container to find anomalies in the cargo such as bulk explosives, radioactive materials and stowaways. They can also determine if the cargo looks different from what the manifest stipulates, if there are false bulkheads or floors or there are extra or unusual containers present. Any of these anomalies can indicate the presence of a potential threat.

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

Best Regards,

Rich Mastronardi, VP Strategic Marketing & Sales.
CARGO SECURITY SOLUTIONS, INC.,
Louisville, TX, May 4, 2005.
Hon. EDWARD MARKEY,
Rayburn House Office Building,
Washington, DC.

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

DEAR CONGRESSMAN: We are aware that Congressman Markey and Congressman Shays are proposing a new Air Cargo Security Act (H.R. 244). We feel that this is a comprehensive step forward for the entire security of the nation and that it should be enacted without hindrance. This nation needs a mandate similar to what was enacted in the days following 9/11. We support securing air cargo, recognizing this fact and have integrated these concepts in our security models. At CSSI the speed of the supply chain is kept intact by the speed that we have developed implementing inspections at various strategic points during the events of a shipment through the supply chain thus creating little negative impact on the chain itself. 100% inspection is feasible and focuses on 100% inspection. The program implemented in our security model is now the third largest Cabinet department in the world including former soviet states with over 100 million shipments a year operating within The United States since the early 1990s and has been in business and operating within The United States since the early 1990s and has been in business and operating within The United States since the early 1990s and has been in business and operating within The United States since the early 1990s and has been in business and operating within The United States since the early 1990s. As we conclude general debate and focus on the critical nature and threat posed by the air cargo security situation in this country. Countless, OIG, GAO, and other reports how dire the situation really is. CSSI has joined in this effort and sent information regarding air cargo security to several congressional leaders. Included in some of these documents, have been clear plans as to why 100% inspection is feasible and the very clear and present danger that is posed by air cargo. Most recently, diamonds for arms shipments were discovered on Soviet made Antonov aircraft operated by designated arms dealer Viktor Bout. HIS company has been convicted and is awaiting sentencing for operating within The United States since the early 1990s and has brought unknown shipments from all over the world including former soviet states with nuclear proliferation does not exist and its results have made it on American soil. This should be a wake up call for all American policy leaders. 100 percent inspection of all cargo is not only needed but necessary.

Regards,
CAPT. ROBERT C. DAVIS,
CARGO SECURITY SOLUTIONS, INC. CEO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE ON GOVERNMENT REFORM.

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

DEAR MR. CHAIRMAN: Thank you for your willingness to consult with me as nuclear proliferation H. R. 187 “the Department of Homeland Security Authorization Act for Fiscal Year 2006” from introduction, through
the Homeland Security Committee, and to the floor. As you know, the Committee on Government Reform has been interested in a number of provisions within H.R. 1817. The Committee has been concerned that the expansion of the Department’s responsibilities for information sharing in Title II, Subtitle B, Homeland Security Information Sharing and Analysis Center, not lessen the Department’s responsibility to follow government-wide policies and procedures for the sharing of information. In addition to the information sharing provisions of Subtitle B, the Committee has specific jurisdictional interests in the following provisions of your substitute: §201—Consolidated Background Check Process; §216—Coordination of homeland security threat analysis provided to non-Federal officials; §217—9/11 Homeland Security Fellows Program; §221—IAIP Personnel Recruitment; §302—Technology Development and Transfer; §303—Review of Antiterrorism Activities; Title III, Subtitle B—Department of Homeland Security Cybersecurity Enhancement; §334—Protection of Information; and §502—GAO Report to Congress.

I would like to confirm our mutual understanding with respect to the consideration of H.R. 1817. As you know, H.R. 1817 was sequentially referred to the Committee on Government Reform. The Committee has been concerned that the extension of your Committee’s jurisdiction provisions would not permit the Committee on Government Reform’s jurisdictional interest and prerogatives on this bill or similar legislation.

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

Sincerely,

Tom Davis
Chairman.

Committee on Homeland Security
Washington, DC, May 18, 2005.

Hon. Tom Davis,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

Dear Mr. Chairman: Thank you for your recent letter regarding the Committee on Government Reform’s jurisdictional interest in H.R. 1817, “the Department of Homeland Security Authorization Act for Fiscal Year 2006”, and your willingness to forego consideration of a portion of this bill.

I agree that the Committee on Government Reform has a valid jurisdictional interest in particular sections of the H.R. 1817, and that the Committee’s jurisdiction with respect to those provisions will not be adversely affected by the Committee’s decision not to consider H.R. 1817. In addition, I agree that for provisions of the bill that are determined to be within the jurisdiction of the Committee on Government Reform, I will support representation for your Committee during consideration of the legislation on the House floor. Thank you for your assistance as we work towards the enactment of the “Department of Homeland Security Authorization Act for Fiscal Year 2006”.

Sincerely,

Christopher Cox
Chairman.

Committee on Homeland Security

Hon. Christopher Cox,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

Dear Chairman Cox: On April 27, 2005, the Committee on Homeland Security reported a joint, sequential referral of the “Department of Homeland Security Authorization Act for Fiscal Year 2006,” which the Committee on Homeland Security reported on May 3, 2005. Subsequently, the Committee on Ways and Means was appointed a joint, sequential referral on the bill for a period not ending later than May 13, 2005.

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

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

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

Best regards,

Bill Thomas
Chairman.

Attachment.
Hon. CHRISTOPHER COX,

Thank you for your cooperation as we work on the legislation on the House floor. We will also share with you copies of the Ways and Means Committee with regard to jurisdictional prerogatives on this or similar legislation. We hereby waive any jurisdiction it has over provisions of H.R. 4418 that were not already enacted as part of the Department of Homeland Security Act. As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of the Department of Homeland Security Authorization Act for Fiscal Year 2006.

Sincerely,

CHRISTOPHER COX,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,

HON. CHRISTOPHER COX,
Chairman, Committee on Homeland Security, House of Representatives, Adanna Building, Room 2201, Longworth House Office Building, Washington, DC.

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

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

Sincerely,

DUNCAN HUNTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,

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

Dear Mr. Chairman: Thank you for your recent letter expressing the Armed Services Committee’s jurisdictional interest in Section 222 and the working group on transfer of military technologies established under Section 302(b) of the Department of Homeland Security Authorization Act for Fiscal Year 2006.

I appreciate your willingness not to seek a sequential referral in order to expedite passage of the bill. As you know, I agree that, by not exercising your right to request a referral, the Armed Services Committee does not waive any jurisdiction it may have over the provisions of Sections 222 and 302(b). In addition, I agree to support representation for your Committee during the House-Senate conference on any provision determined to be within your Committee’s jurisdiction.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security’s reports. The Committee waives further consideration of the Department of Homeland Security Security Authorization Act for Fiscal Year 2006.

Sincerely,

CHRISTOPHER COX,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

Hon. Christopher Cox, Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

Dear Mr. Chairman: In recognition of the importance of expediting the passage of H.R. 1817, the "Department of Homeland Security Authorization Act for Fiscal Year 2006," the Permanent Select Committee on Intelligence hereby waives further consideration of the bill. The Committee has jurisdictional interest in H.R. 1817, including but not limited to intelligence activities within the Department of Homeland Security. In addition, the Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence’s jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future. In addition, the Permanent Select Committee on Intelligence reserves the possibility of seeking conferees on any provisions of the bill that are within its jurisdiction during the conference that may be convened on this legislation.
Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on H.R. 1817. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

PETER HOEKSTRA
Chairman

HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY

The Hon. Peter Hoeckstra,
Chairman, Select Committee on Intelligence, Washington, DC.

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

As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of H.R. 1817, the Fiscal Year 2006 National Intelligence Program.

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

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

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

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

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

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

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

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

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

In that connection I want to note my vote on the Norwood amendment. Though the amendments of Mr. Norwood’s amendment are laudable, I could not support the amendment because of the expansion of authority it gives to states to deport illegal immigrants. Other parts of this bill will provide states with resources to train officers to enforce immigration laws, without a mandate, by letting state and local government decide if they want to participate in this training. I believe Mr. Norwood’s amendment also intended to provide resources to states without creating a mandate of enforcement.

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

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

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

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

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

In lieu of the amendments recommended by the committees on Homeland Security, Energy and Commerce, and the Judiciary now printed in the norwood amendment. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 109–49. That amendment in the nature of a substitute shall be considered read.

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

SECTION 1. SHORT TITLE
This Act may be cited as the “Department of Homeland Security Authorization Act for Fiscal Year 2006”.

SEC. 2. TABLE OF CONTENTS
The table of contents for this Act is as follows:

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS
Sec. 102. Customs and border protection; homeland security agencies.
Sec. 103. Departmental management and operations.
Sec. 104. Critical infrastructure grants.
Sec. 105. Research and development.
Sec. 106. Border and transportation security.
Sec. 107. State and local terrorism preparedness.
Sec. 108. Immigration resources.

TITLE II—TERRORISM PREVENTION, INFORMATION SHARING, AND RISK ASSESSMENT
Subtitle A—Terrorism Prevention
Sec. 201. Consolidated background check process.
Sec. 203. Short title.
Sec. 204. Provision of terrorism-related information to private sector officials.
Sec. 205. Analytic expertise on the threats from biological agents and nuclear weapons.
Sec. 206. Alternative analysis of homeland security information.
Sec. 207. Assignment of information analysis and infrastructure protection responsibilities.
Sec. 208. Coordination of homeland security threat analysis provided to non-Federal officials.
Sec. 209. 9/11 Memorial and Museum Homeland Security Fellows Program.
Sec. 211. Access of Assistant Secretary for Information Analysis to terrorism information.
Sec. 213. IAIAP personnel recruitment.
Sec. 215. Homeland Security Advisory System.
Sec. 216. Use of open-source information.
Sec. 217. Full and efficient use of open-source information.
Sec. 218. Coordination with the Intelligence community.
Sec. 219. Consistency with applicable Federal laws.

TITLE III—DOMESTIC PREPAREDNESS AND PROTECTION
Subtitle A—Preparedness and Protection
Sec. 301. National terrorism exercise program.
Sec. 302. Technology development and transfer.
Sec. 303. Review of antiterrorism acquisitions.
Sec. 304. Center of Excellence for Border Security.
Sec. 305. Requirements relating to the Container Security Initiative (CSI).
Sec. 306. Security of maritime cargo containers.
Sec. 307. Security plan for general aviation.
Sec. 308. Interoperable communications assistance.
Sec. 309. Report to Congress on implementation of recommendations regarding protection of agriculture.

Subtitle B—Department of Homeland Security Cybersecurity Enhancement
Sec. 311. Short title.
Sec. 312. Assistant Secretary for Cybersecurity.
Sec. 313. Cybersecurity training programs and equipment.
Sec. 314. Cybersecurity research and development.

Subtitle C—Protection of public transportation systems.
Sec. 322. Public awareness.
Subtitle D—Critical infrastructure prioritization

Sec. 331. Critical infrastructure.

Sec. 332. Security review.

Sec. 333. Implementation report.

Sec. 334. Protection of information.

TITLE IV—U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Sec. 401. Establishment and implementation of cost accounting system; reports.

Sec. 402. Report relating to One Face at the Border Initiative.

Sec. 403. Customs services.

Sec. 404. Sense of Congress on interpretation of textile and apparel provisions.

TITLE V—MISCELLANEOUS

Sec. 501. Border security and enforcement coordination and operations.

Sec. 502. GAO report to Congress.

Sec. 503. Plan to reduce wait times.

Sec. 504. Denial of transportation security card.

Sec. 505. Transfer of existing Customs Patrol Officers unit and establishment of new CPO units in the Bureau of Immigration and Enforcement.

Sec. 506. Data collection on use of immigration consultants.

Sec. 507. Office for State and local government coordination.

Sec. 508. Authority of other Federal agencies unaffected.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. DEPARTMENT OF HOMELAND SECURITY.

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

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

Of the amount authorized under section 101, there is authorized to be appropriated for U.S. Customs and Border Protection for fiscal year 2006, $6,526,424,722, of which $1,839,075,277 is authorized for border security and control between ports of entry, including for the hiring of 2,000 full-time active-duty border patrol agents above the number of such positions for which funds were allotted for fiscal year 2005 (excluding any supplemental appropriations).

SEC. 103. DEPARTMENTAL MANAGEMENT AND OPERATIONS.

Of the amount authorized under section 101, there is authorized to be appropriated for fiscal year 2006 for departmental management and operations, $69,672,000, of which—

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

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

(3) $5,554,000 is authorized for Office of Security Initiatives.

SEC. 104. CRITICAL INFRASTRUCTURE GRANTS.

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

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

(2) $105,014,000 to support a nuclear detection office and related activities;

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

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

(5) $19,600,000 for the activities of such directorate conducted pursuant to subtitle G of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 441 et seq.).

SEC. 106. BORDER AND TRANSPORTATION SECURITY.

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

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

(2) $1,000,000,000 for weapons of mass destruction detection technology of such directorate; and

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

SEC. 107. STATE AND LOCAL TERRORISM PREPAREDNESS.

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

(1) $40,500,000 for the Office of Interoperability and Compatibility within the Directorate of Science and Technology pursuant to section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 270a); and

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

SEC. 108. IMMIGRATION RESOURCES.

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

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

(2) Sufficient sums for the hiring of an additional 300 adjudicators above the number of such positions for which funds were allotted for fiscal year 2005 (excluding any supplemental appropriations).

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

SEC. 212. PROVISION OF TERRORISM-RELATED INFORMATION SHARING AND ANALYSIS ENHANCEMENT

Title II—Terrorism Prevention, Information Sharing, and Risk Assessment

Subtitle A—Terrorism Prevention

SEC. 201. CONSOLIDATED BACKGROUND CHECK PROCESS

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

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

(1) The Transportation Worker Identification Credential Program;

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

(3) The Free and Secure Trade program;

(4) The NEXUS and SENTRI border crossing programs;

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

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

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

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

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

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

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

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

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

(e) INCLUSION OF OTHER PROGRAMS.—The Secretary of Homeland Security shall review other existing or developing Department of Homeland Security programs that include security screening or background checks for participating individuals, and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) by not later than 6 months after the date of the enactment of this Act.

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

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

Subtitle B—Homeland Security Information Sharing and Analysis Enhancement

SEC. 211. SHORT TITLE.

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

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

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

“(2) To require, in consultation with the Assistant Secretary for Infrastructure Protection, the creation and routine dissemination of analytic reports and products designed to provide timely and accurate information that has specific relevance to each of the Nation’s private critical infrastructure.
sectors (as identified in the national infrastructure protection plan issued under paragraph (5)), to private sector officials in each such sector who are responsible for protecting critical infrastructures from potential acts of terrorism and for mitigating the potential consequences of any such act.

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

Section 214(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following:

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

SEC. 214. ALTERNATIVE ANALYSIS OF HOMELAND SECURITY INFORMATION.

(a) Requiring Section 1(b) of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end the following:

"(22) Alternative analysis of homeland security information.'

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

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

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

(A) assign to the Assistant Secretary for Information Analysis the responsibility for performing the functions described in paragraphs (1), (4), (7) through (14), (15), and (16) of subsection (d);

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

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

(D) assign to the Assistant Secretary for Infrastructure Protection the responsibility for performing the functions described in paragraphs (3), (15), and (17) of subsection (d); and

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

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

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

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

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

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

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

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

(II) as defined in section 892(f)(1), the term 'homeland security threat analysis' means any informational product that is the result of the analysis, regardless of its source, in order to:

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

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

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

(II) as defined in paragraph (1), the term 'homeland security threat analysis' does not include:

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

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

(C) facts or summaries of facts;

(D) reports of interviews; or

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

"(23) Coordination of homeland security threat analysis provided to non-Federal officials.'

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

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

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

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

(A) the mission and capabilities of that Center; and

(B) the role, products, programs, and personnel of the Office of Information Analysis, the Office of Cybersecurity, the Office of Infrastructure Protection, and other elements of the Department responsible for the integration, analysis, and dissemination of homeland security information, as defined in section 892(f)(1).

(2) PROGRAM NAME.—The program under this section shall be known as the 9/11 Memorial Homeland Security Fellows Program.

(3) ELIGIBILITY.—In order to be eligible for selection as a fellow under the program, an individual must:

(A) have homeland security-related responsibilities; and

(B) possess an appropriate national security clearance.

(4) LIMITATIONS.—The Secretary—

(I) may conduct up to 4 iterations of the program each year, each of which shall be 90 days in duration; and

(II) shall ensure that the number of fellows selected for each iteration does not impede the activities of the Center.

(b) ADMINISTRATION.—The Secretary is authorized to select an individual as a fellow under the program, the Secretary shall require that the individual's employer agree to continue to pay the individual's salary and benefits during the period of the fellowship.

(c) STIPEND.—During the period of the fellowship of an individual under the program, the Secretary shall, subject to the availability of appropriations, provide to the individual a stipend to cover the individual's reasonable living expenses during the period of the fellowship.

"SEC. 204. 9/11 Memorial Homeland Security Fellows Program.'

SEC. 218. ACCESS TO NUCLEAR TERRORISM-RELATED INFORMATION.

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

"(22) To ensure that—

(A) the Assistant Secretary for Information Analysis receives analysis results promptly and without request all information obtained by any component of the Department if that information relates directly or indirectly, to a threat of terrorism involving the potential use of nuclear weapons;

(B) such information is—

(i) integrated and analyzed comprehensively; and

(ii) disseminated in a timely manner, including to appropriately cleared Federal, State, local, tribal, and private sector officials; and

(C) such information is used to determine what requests the Department should submit for collection of additional information relating to that threat.'

SEC. 219. ACCESS OF ASSISTANT SECRETARY FOR INFORMATION ANALYSIS TO TERRORISM INFORMATION.

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

"(23) To ensure that the Assistant Secretary for Information Analysis is—

(A) routinely and without request given prompt access to all terrorism-related information collected by or otherwise in the possession of any component of the Department, including all homeland security information (as that term is defined in section 892(f)(1)); and

(B) to the extent technologically feasible has direct access to all databases of any component of the Department that may contain such information.'

SEC. 220. ADMINISTRATION OF THE HOMELAND SECURITY INFORMATION NETWORK.

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

"(24) To administer the homeland security information network, including—
The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to subtitle A of title II the following:

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SEC. 206. FULL AND EFFICIENT USE OF OPEN-SOURCE INFORMATION.

(a) REQUIREMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended—

(1) by striking the period at the end of paragraph (2) and inserting the following:

"(2) in order to meet the critical need for linguist personnel which individuals are to receive bonuses under this section on September 30, 2008;"

(3) by adding at the end the following:

"(e) TERMINATION.—The authority to pay bonuses under this section shall terminate on September 30, 2008.

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SEC. 226. COORDINATION WITH THE INTELLIGENCE COMMUNITY.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended—

(1) by striking subsection (d), the Assistant Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(2) the bonus; and

(3) the provisions of this section shall be paid in the form of a parability payment under section 5304 or any other authority.

(4) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(5) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(6) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(7) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(8) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(9) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

(10) the Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, may pay a bonus under this section in order to recruit such individual for a position that is primarily responsible for—

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SEC. 225. FULL AND EFFICIENT USE OF OPEN-SOURCE INFORMATION.

(a) REQUIREMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended—

(1) by striking the period at the end of paragraph (2) and inserting the following:

"(2) in order to meet the critical need for linguist personnel which individuals are to receive bonuses under this section on September 30, 2008;"

(3) by adding at the end the following:

"(e) TERMINATION.—The authority to pay bonuses under this section shall terminate on September 30, 2008.

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SEC. 222. HOMELAND SECURITY INFORMATION REQUIREMENTS.

(a) HOMELAND SECURITY INFORMATION REQUIREMENTS.—The Intelligence Community Council shall advise the Director of National Intelligence with respect to homeland security intelligence requirements.

(b) TERMINATION.—The Intelligence Community Council shall advise the Director of National Intelligence with respect to homeland security intelligence requirements.

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SEC. 223. HOMELAND SECURITY ADVISORY SYSTEM REQUIREMENTS.

SEC. 224. USE OF OPEN-SOURCE INFORMATION.
SEC. 237. CONSISTENCY WITH APPLICABLE FEDERAL LAWS.

Unless otherwise expressly stated in this subtitle, the term ‘‘Homeland Security’’ shall mean that all activities carried out under this subtitle are consistent with any applicable Federal laws relating to information protection.

TITLE III—DOMESTIC PREPAREDNESS AND PROTECTION

Subtitle A—Preparedness and Protection

SEC. 301. NATIONAL TERRORISM EXERCISE PROGRAM.

(a) In General.—Section 430(c) of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended by striking ‘‘and’’ after the semicolon at the end of subparagraph (8), by striking the period at the end of paragraph (9) and inserting ‘‘; and’’, and by adding at the end the following new subparagraph:

‘‘(10) designing, developing, performing, and evaluating exercises at the national, State, territorial, regional, local, and tribal levels of government that incorporate governmental officials, emergency response providers, public safety agencies, the private sector, international governments and organizations, and other appropriate entities to test the Nation’s capabilities to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism.’’. (b) National Terrorism Exercise Program.—

(1) Establishment of Program.—Title VIII of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following new subtitle:

‘‘Subtitle J—Terrorism Preparedness Exercises’’

‘‘SEC. 899a. NATIONAL TERRORISM EXERCISE PROGRAM.

‘‘(a) In General.—The Secretary, through the Office of the Under Secretary for Science and Technology, shall establish a National Terrorism Exercise Program for the purpose of testing and evaluating the Nation’s capabilities to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism that—

‘‘(1) enhances coordination for terrorism preparedness between all levels of government, emergency response providers, international governments and organizations, and the private sector;

‘‘(2) provides a multidisciplinary, in including, as appropriate, information analysis and cybersecurity components;

‘‘(B) as realistic as practicable and based on current threat information, including credible threats, vulnerabilities, and consequences;

‘‘(C) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

‘‘(D) evaluated against performance measures and the results of the corrective action to solve identified deficiencies; and

‘‘(E) assessed to learn best practices, which shall be shared with appropriate Federal, State, territorial, local, tribal, and international personnel, authorities, and training institutions for emergency response providers; and

‘‘(3) assists State, territorial, local, and tribal governments with the design, implementation, and evaluation of exercises that—

‘‘(A) conform to the requirements of paragraph (2); and

‘‘(B) are consistent with any applicable State homeland security strategy or plan.

(b) National Level Exercises.—The Secretary, through the National Terrorism Exercise Program, shall perform on a periodic basis national terrorism preparedness exercises for the purposes of—

‘‘(1) involving top officials from Federal, State, territorial, local, tribal, and international governments, as the Secretary considers appropriate;

‘‘(2) testing and evaluating, in coordination with the Attorney General, the Nation’s capability to prevent, prepare for, respond to, and recover from a threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction; and

‘‘(3) testing and evaluating the Nation’s readiness to respond to and recover from cata
trophic acts of terrorism, especially those involving weapons of mass destruction.

(c) Consistency with Other Responsibility.—In implementing the responsibilities described in subsections (a) and (b), the Secretary shall consult with a geographic (in
cluding, but not limited to, the cross section of governmental and non-governmental first responder disciplines, including as appropriate—

‘‘(1) Federal, State, and local first responder training institutions;

‘‘(2) representatives of emergency response providers; and

‘‘(3) State and local officials with an expertise in terrorism preparedness.’’.

(d) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end the following item:

‘‘Subsection (j)—Terrorism Preparedness Exercises’’.

SEC. 302. TECHNOLOGY DEVELOPMENT AND TRANSFER.

(a) Establishment of Technology Clearinghouse.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a Homeland Security Technology Clearinghouse under section 313 of the Homeland Security Act of 2002 (6 U.S.C. 202).

(b) Transfer Program.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

‘‘(6) The establishment of a homeland security technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local governments, emergency response providers, and the private sector to prevent, prepare for, or respond to acts of terrorism.’’;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following new subsections:

‘‘(c) Technology Transfer Program.—The activities of the program described in subsection (b)(6) shall include—

‘‘(1) identifying available technologies that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, domestic and foreign governmental agencies, and international organizations, and review ing whether such technologies may be useful in assisting Federal, State, and local government agencies, emergency response providers, or the private sector to prevent, prepare for, or respond to acts of terrorism; and

‘‘(2) to the extent the Secretary considers appropriate, other organizations, other interested Federal, State, and local agencies, and other interested persons—

‘‘(A) representatives from the Department of Defense or retired military officers,

‘‘(B) nongovernmental organizations or private companies that are engaged in the research, development, testing, or evaluation of related technologies or that have demonstrated prior experience and success in developing and identifying technologies for Federal agencies;

‘‘(C) Federal, State, and local emergency response providers; and

‘‘(D) to the extent the Secretary determines appropriate, other organizations, other interested Federal, State, and local agencies, and other interested persons—

‘‘(1) conducting or supporting research, development, and demonstration projects in implementing the provisions of section 313 of the Homeland Security Act of 2002, as amended by this Act, including a description of the purpose for and the expected benefits of the project; and

‘‘(2) providing technical assistance to the Department of Defense or retired military officers, nongovernmental organizations or private companies, and Federal, State, and local agencies, to help carry out the purposes described in subsection (a) and (b).’’.

SEC. 303. TECHNOLOGY CLEARINGHOUSE.

(a) Establishment of Technology Clearinghouse.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Homeland Security Technology Clearinghouse under section 313 of the Homeland Security Act of 2002.

(b) Transfer Program.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended by—

(1) striking the period at the end of paragraph (9) and inserting ‘‘; and’’, (2) by striking subsection (c) and redesignating subsection (d) as subsection (c); and

(3) by adding at the end the following new subsections:

‘‘(d) Program.—The purposes of the program described in subsection (c) shall include—

‘‘(1) identifying available technologies that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, domestic and foreign governmental agencies, and international organizations, and review ing whether such technologies may be useful

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may designate a foreign seaport as a participating seaport in the Container Security Initiative program on or after the date of the enactment of this Act if the Secretary—

(1) determines the外国 pictorial assessment carried out under section 70108(a) of title 46, United States Code, or such other risk assessments that the Secretary may perform; and

(2) determines that the benefitted from designating such seaport as a participating seaport outweigh the cost of expanding the program to such seaport; and

(b) DEPLOYMENT OF INSPECTION EQUIPMENT TO NEW CSI PARTICIPATING SEA-PORTS.—

(1) DEPLOYMENT.—The Secretary may—

(A) loan or otherwise provide nonintrusive inspection equipment for maritime cargo containers, on a nonreimbursable basis, at a seaport designated by the Secretary; and

(B) provide training for personnel at a seaport designated under subsection (a) to operate the nonintrusive inspection equipment.

(2) ADDITIONAL REQUIREMENTS.—

(A) CAPABILITY REQUIREMENTS AND OPERATING PROCEDURES.—The Secretary shall establish technical capability requirements and standard operating procedures for nonintrusive inspection equipment described in paragraph (1), consistent with any standards established by the Secretary under section 70116 of title 46, United States Code.

(B) AGREEMENT REQUIRED.—The Secretary shall require each CSI port to agree to operate such equipment in accordance with requirements and procedures established under subparagraph (A) as a condition for receiving the equipment and training under paragraph (1).

(c) DEPLOYMENT OF PERSONNEL TO NEW CSI PORTS; REVALIDATION OF PERSONNEL AT ALL CSI PORTS.—

(1) DEPLOYMENT.—The Secretary shall deploy United States Customs and Border Protection personnel to each seaport designated under subsection (a) with respect to which the Secretary determines that the deployment is necessary to comply fully with the requirements of CSI at the port.

(2) REVALIDATION.—The Secretary shall periodically review relevant risk assessment information with respect to each seaport at which personnel are deployed under paragraph (1) to assess whether or not continued deployment of personnel in that seaport is justified. In whole or in part, is necessary to successfully fulfill the requirements of CSI at the port.

(d) INSPECTION AND SCREENING AT UNITED STATES CONTAINER TERMINALS; CARRYING CONTAINERS.—

(1) INSPECTION.—If the Secretary determines that a foreign container arriving at a United States port of entry from a CSI port shall undergo the same level of inspection and screening for potential compromise by terrorists or terrorist weapons as cargo containers arriving at a United States port of entry from a foreign seaport that is not participating in CSI unless the container carries documents that the United States Customs and Border Protection personnel at the CSI port at the request of personnel deployed under subsection (c) and such personnel are able to verify or explain any anomalies discovered in the inspection indicates that the containers have not been compromised by terrorists or terrorist weapons.

SEC. 306. SECURITY OF MARITIME CARGO CONTAINERS.

(a) STANDARDS AND REGULATIONS.—

(1) STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish standards and procedures for securing cargos, containers, and containers that are on or off cargo vessels that—

(a) establish technical capability requirements and standard operating procedures for nonintrusive inspection equipment described in paragraph (1), consistent with any standards established by the Secretary under section 70116 of title 46, United States Code.

(b) INTERNATIONAL AGREEMENTS.—The Secretary shall consult with the Department of State, Department of Commerce, Department of Treasury, Office of the United States Trade Representative, and other appropriate Federal agencies, shall seek to enter into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving within the intermodal transportation system that, to the maximum extent practicable, meet the requirements of subsection (a).

(c) CONTAINER TARGETING STRATEGY.—The Secretary shall develop a strategy to improve the ability of the Department of Homeland Security to use advance cargo inspection and targeting information to identify anomalies in such information to determine whether such cargo poses a security risk. The strategy shall include a method of contacting shippers to verify or explain any anomalies discovered in such information.

(d) FOREIGN SECURITY DEMONSTRATION PROGRAM.—

(1) PROGRAM.—The Secretary is authorized to establish and carry out a demonstration program to establish and carry out a demonstration program to evaluate the capability and operating procedures of nonintrusive inspection equipment at an appropriate United States seaport, as determined by the Secretary.

(2) REQUIREMENT.—The demonstration program shall also evaluate ways to strengthen the capability of Department of Homeland Security personnel to use advance cargo inspection and targeting information to identify anomalies in such information to determine whether such cargo poses a security risk. The strategy shall include a method of contacting shippers to verify or explain any anomalies discovered in such information.
a critical obstacle to an effective multi-jurisdictional response. 

(2) Many jurisdictions across the country still experience difficulties communicating that may contribute to confusion, delays, or added risks when responding to an emergency. 

(3) During fiscal year 2004, the Office for Domestic Preparedness obligated over $344,000,000 for 2,912 projects through Department of Homeland Security grant programs for the purposes of improving communications interoperability. 

(4) Interoperable communications systems are most effective when designed to comprehensively address, on a regional basis, the communication needs of all types of public safety agencies, first responder disciplines, and State and local government facilities. 

(5) Achieving communications interoperability is complex due to the extensive training, system modifications, and agreements among the different jurisdictions that are necessary to implement effective communications systems. 

(6) The Congress authorized the Department of Homeland Security to create an Office for Interoperability and Compatibility in the Transformation and Preparedness Act of 2004 to, among other things, establish a comprehensive national approach, coordinate Federal activities, accelerate the adoption of standards, and encourage research and development to achieve interoperable communications for first responders. 

(7) The Office for Interoperability and Compatibility includes the SAFECOM Program that serves as the umbrella program within the Federal government to improve public safety communications interoperability, and has developed the RAPIDCOM program, the Statewide Communications Interoperability Improvement Methodology, and a Statement of Requirements to provide technical, planning, and purchasing assistance for Federal departments and agencies, State and local governments, and first responders. 

(b) Sense of Congress.—It is the sense of the Congress that the Department of Homeland Security should implement as expeditiously as possible the initiatives assigned to the Office for Interoperability and Compatibility under section 7083 of the Intelligence Reform and Terrorism Prevention Act of 2004 to, among other things, establish a comprehensive national approach, coordinate Federal activities, accelerate the adoption of standards, and encourage research and development to achieve interoperable communications for first responders. 

SEC. 311. SHORT TITLE. 

This subtitle may be cited as the ‘‘Department of Homeland Security Cybersecurity Enhancement Act of 2005’’. 

SEC. 312. ASSISTANT SECRETARY FOR CYBERSECURITY. 

(a) In General.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for— 

(1) the establishment or expansion of cybersecurity professional development programs; 

(2) the establishment or expansion of associate degree programs in cybersecurity; and 

(3) the purchase of equipment to provide training in cybersecurity for either professional development programs or degree programs. 

(b) Roles.— 

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, through the Assistant Secretary for Cybersecurity and in consultation with the Director of the National Science Foundation, shall establish the goals for the programs established under this section and the criteria for awarding grants under the program. 

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall operate the program established under this section consistent with the goals and criteria established under paragraph (1), including reviewing applications, and making and administering grant awards. The Director may consult with the Assistant Secretary for Cybersecurity in selecting awardees. 

(c) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section. 

(d) GRANTS.— 

(1) GRANT TERMS.—Any grant awarded under this section shall be made on a competitive, merit-reviewed basis. 

(2) FOCUSING.—In making grant awards under this section, the Director shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented individuals in the grant. 

(3) PREFERENCE.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program. 

SEC. 314. CYBERSECURITY RESEARCH AND DEVELOPMENT. 

(a) In General.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) to support research and development to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks. 

(b) Activities.— 

(1) The research and development supported under subsection (a) shall include work to— 

(i) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols; 

(ii) improve and create technologies for detecting attacks or intrusions, including monitoring technologies; 

(iii) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and 

(iv) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies. 

(c) Coordination.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with— 

(1) the Assistant Secretary for Cybersecurity; and 

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify and support cooperatively support activities, as appropriate. 

(d) Nature of Research.—Activities under this section shall be carried out in accordance with section 396(a) of this Act. 

SEC. 315. CYBERSECURITY RESEARCH AND DEVELOPMENT PROGRAMS AND EQUIPMENT. 

In making grant awards under this section, the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for— 

(a) in General.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for— 

(b) Activities.— 

(1) DEVELOPMENT.—The Secretary shall establish a program to— 

(i) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols; 

(ii) improve and create technologies for detecting attacks or intrusions, including monitoring technologies; 

(iii) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and 

(iv) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies. 

(2) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section. 

(g) Grants.—In making grant awards under this section, the Director shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented individuals in the grant. 

(h) Preference.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program. 

SEC. 316. CYBERSECURITY BEST PRACTICES. 

In making grant awards under this section, the Secretary shall make each grant award to a recipient organization for the purpose of providing funds necessary to carry out the purposes described in subsection (a), and shall be developed in consultation with public and private sector entities. 

SEC. 317. CYBERSECURITY INSTITUTIONS OF HIGHER EDUCATION. 

(a) In General.—The Secretary shall develop a program to award grants to institutions of higher education (and consortia thereof) to support research and development to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks. 

(b) Activities.— 

(1) The research and development supported under subsection (a) shall include work to— 

(i) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols; 

(ii) improve and create technologies for detecting attacks or intrusions, including monitoring technologies; 

(iii) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and 

(iv) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies. 

(c) Coordination.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with— 

(1) the Assistant Secretary for Cybersecurity; and 

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify and support cooperatively support activities, as appropriate. 

(d) Nature of Research.—Activities under this section shall be carried out in accordance with section 396(a) of this Act. 

SEC. 318. CYBERSECURITY IN THE FEDERAL GOVERNMENT. 

(a) General.—The Under Secretary for Science and Technology shall support research and development, including fundamental, long-term research, in cybersecurity to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks. 

(b) Research and Development.—The grant and development supported under subsection (a), shall include work to— 

(i) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully; and 

(ii) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies. 

(c) Coordination.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with— 

(1) the Assistant Secretary for Cybersecurity; and 

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify and support cooperatively support activities, as appropriate. 

(d) Nature of Research.—Activities under this section shall be carried out in accordance with section 396(a) of this Act. 

Subtitle B—Department of Homeland Security Cybersecurity Enhancement
and Infrastructure of the House of Representatives, and any other appropriate entities.

SEC. 322. PUBLIC AWARENESS.

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation, after consultation with the Secretary of Homeland Security, shall develop and implement a public awareness campaign to increase public awareness of measures that the general public, public transportation passengers, and public transportation employees can take to increase public awareness of security related to the threat of terrorism. Such plan shall also provide outreach to providers and employees of public transportation systems on available transportation employee training, employee training, and available Federal funding sources to improve public transportation security. Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall disseminate the plan to providers of public transportation, the plan to providers of public transportation employee representatives, appropriate Federal, State, and local officials, and other appropriate entities.

Subtitle H—Transportation Security

SEC. 331. CRITICAL INFRASTRUCTURE PRIORITIZATION.

(a) COMPLETION OF PRIORITIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the prioritization of the Nation’s critical infrastructure according to all of the following criteria:

1. The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department regarding the intentions and capabilities of terrorist groups and other potential threats to the Nation’s critical infrastructure.

2. The likelihood that an attack would result in substantial numbers of deaths and serious bodily injuries, a substantial adverse impact on the national economy, or a substantial adverse impact on national security.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

SEC. 332. SECURITY REVIEW.

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of the Treasury, shall complete the prioritization of the Nation’s critical infrastructure according to the audit of the Customs Service’s fiscal years 2000 and 1999 financial statements and the review and coordination of measures that the Secretary, after consultation with the Secretary of Homeland Security and the Nation’s critical infrastructure, including milestones and timeframes for implementation.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

(1) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization developed under section 331;

(2) recommend changes to existing plans for securing such critical infrastructure included in the prioritization developed under section 331;

(3) coordinate and contribute to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate.

(b) REPORTS.—The recommendations made under subsection (a)(2) shall include:

(1) protective measures to secure such infrastructure, including milestones and timetables for implementation; and

(2) to the extent practicable, performance metrics to evaluate the benefits to both national and the Nation’s critical infrastructure from the implementation of such protective measures.

SEC. 333. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) on the implementation of section 332. Such prioritization was based;

(1) the Secretary’s review and coordination of security plans under section 332; and

(2) the Secretary’s oversight of the execution and effectiveness of such plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update to the congressional committees described in subsection (a).

SEC. 334. PROTECTION OF INFORMATION.

(a) PROTECTION OF INFORMATION.—The information set forth in subsection (b) that is generated, compiled, or disseminated by the Department of Homeland Security in carrying out this subtitle is exempt from disclosure under section 552 of title 5, United States Code; and

(b) shall not, if provided by the Department to a State or local government or government agency

(A) be made available pursuant to any State or local law requiring disclosure of information or records;

(B) be disclosed to any person by such State or local government agency without the written consent of the Secretary; or

(C) be used other than for the purpose of protecting critical infrastructure or protected systems, or in furtherance of an investigation or the prosecution of a criminal act.

(b) INVESTIGATION OR PROSECUTION.—Information referred to in subsection (a) is exempt from disclosure under section 552 of title 5, United States Code, and the Secretary shall not, if provided by the Department to a State or local government or government agency

(A) be made available pursuant to any State or local law requiring disclosure of information or records;

(B) be disclosed to any person by such State or local government agency without the written consent of the Secretary; or

(C) be used other than for the purpose of

(1) The Secretary’s prioritization of critical infrastructure pursuant to section 331, including any information upon which such prioritization was based;

(2) the Secretary’s review of existing security plans for such infrastructure pursuant to section 332(a)(1);

(3) the Secretary’s recommendations for changes to existing plans for securing such infrastructure pursuant to section 332(a)(2);

(4) the progress of implementing the cost accounting system described in paragraph (1); and

(5) the report and update prepared by the Secretary based on the report and

(1) exempt from disclosure under section 552 of title 5, United States Code; and

(2) shall not, if provided by the Department to a State or local government or government agency

(A) be made available pursuant to any State or local law requiring disclosure of information or records;

(B) be disclosed to any person by such State or local government agency without the written consent of the Secretary; or

(C) be used other than for the purpose of protecting critical infrastructure or protected systems, or in furtherance of an investigation or the prosecution of a criminal act.

(b) INVESTIGATION OR PROSECUTION.—Information referred to in subsection (a) is exempt from disclosure under section 552 of title 5, United States Code, and the Secretary shall not, if provided by the Department to a State or local government or government agency

(A) be made available pursuant to any State or local law requiring disclosure of information or records;

(B) be disclosed to any person by such State or local government agency without the written consent of the Secretary; or

(C) be used other than for the purpose of

(1) The Secretary’s prioritization of critical infrastructure pursuant to section 331, including any information upon which such prioritization was based;

(2) the Secretary’s review of existing security plans for such infrastructure pursuant to section 332(a)(1);

(3) the Secretary’s recommendations for changes to existing plans for securing such infrastructure pursuant to section 332(a)(2);

(4) the progress of implementing the cost accounting system described in paragraph (1); and

(5) the report and update prepared by the Secretary based on the report and update based are.

TITLE IV—U.S. CUSTOMS AND BORDER PROTECTION: IMMIGRATION AND CUSTOMS ENFORCEMENT

SEC. 401. ESTABLISHMENT AND IMPLEMENTATION; IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) ESTABLISHMENT AND IMPLEMENTATION; CUSTOMS AND BORDER PROTECTION AUTHORIZATION ACT OF 2002—

Section 334 of the Customs and Border Security Act of 2002 (19 U.S.C. 2082 note) is amended to read as follows:

SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION; CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—Not later than September 30, 2006, the Assistant Secretary for U.S. Customs and Border Protection shall, in accordance with the audit of the Customs Service’s fiscal years 2000 and 1999 financial statements, establish an identification of expenses incurred in administering and enforcing the Customs laws of the United States and the expenses incurred in administering and enforcing the Federal immigration laws.

(b) ESTABLISHMENT AND IMPLEMENTATION; IMMIGRATION AND CUSTOMS ENFORCEMENT.—

(1) IN GENERAL.—Not later than September 30, 2006, the Assistant Secretary for U.S. Immigration and Customs Enforcement of the Department of Homeland Security, shall, in accordance with the audit of the Customs Service’s fiscal years 2000 and 1999 financial statements, establish and implement a cost accounting system.

(2) ANNUAL REPORTS.—Beginning one year after the date on which the cost accounting systems described in subsections (a) and (b) are fully implemented, the Commissioner of U.S. Customs and Border Protection and the Assistant Secretary for U.S. Immigration and Customs Enforcement, respectively, shall prepare and submit to Congress on an
annual basis a report itemizing the expenses identified in subsections (a) and (b).

(3) Office of the Inspector General.—Not later than March 31, 2007, the Inspector General of Homeland Security shall prepare and submit to Congress a report analyzing the level of compliance with this section and detailing any additional actions that should be taken to improve compliance with this section.

SEC. 402. REPORT RELATING TO ONE FACE AT THE BORDER INITIATIVE.

Not later than September 30 of each of the calendar years 2006 and 2007, the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security shall prepare and submit to Congress a report—

(1) analyzing the effectiveness of the One Face at the Border Initiative at enhancing security and facilitating trade;

(2) providing a breakdown of the number of personnel of U.S. Customs and Border Protection that were personnel of the United States Immigration and Customs Enforcement Service prior to the establishment of the Department of Homeland Security, that were personnel of the Immigration and Naturalization Service prior to the establishment of the Department of Homeland Security, and that were hired after the establishment of the Department of Homeland Security;

(3) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(4) outlining the steps taken by U.S. Customs and Border Protection to ensure that expertise is retained with regard to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 403. CUSTOMS SERVICES.

Section 1303(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1986 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking ‘‘(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2)),’’; and inserting—

‘‘(1) In general.—’’

(A) SCHEDULED FLIGHTS.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2))’’;

and

(2) by adding at the end the following:

‘‘(B) CHARTER FLIGHTS.—If a charter air carrier (as defined in section 40102(13) of title 49, United States Code) specifically requests that U.S. Customs and Border Protection BOARD OF THE ABEEI V. U.S. no service for passengers and their baggage be provided for a charter flight arriving after normal operating hours at a customs border patrol service airports and overtime funds for those services are not available, the appropriate customs border patrol officer may assign sufficient customs employees (if available) to perform service. These services, which could lawfully be performed during regular hours of operation, and any overtime fees incurred in connection with such service shall be paid by the charter air carrier.’’

SEC. 404. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS.

It is the sense of Congress that—


TITLES V—MISCELLANEOUS

SEC. 501. BORDER INITIATIVE; ENFORCEMENT COORDINATION AND OPERATIONS.

(a) FINDINGS.—The Congress makes the following findings:

(1) As part of the creation of the Department of Homeland Security, section 442 of the Homeland Security Act of 2002 (Public Law 107–273) established a Bureau of Border Security, Transportation, and Trade to perform, through the Secretary of Homeland Security, its functions, programs, personnel, assets, and liabilities pertaining to the following programs: the Border Patrol; alien detention and removal; immigration, customs, and border security; and intelligence, investigations, and enforcement activities; and immigration inspections at ports of entry.

(2) Title IV of the Homeland Security Act of 2002 (Public Law 107–273) also transferred to the new Department the United States Customs Service, as a distinct entity within the new Department, to further the Department’s border integrity mission.


(4) This plan merged the customs and immigration border inspection and patrol functions, along with agricultural inspections functions, into a new entity called United States Customs and Border Enforcement.

(5) The plan also combined the customs and immigration enforcement agents, as well as the Office of Detention and Removal Operations, the Office of Federal Protective Service, the Office of Federal Air Marshal Service, and the Office of Intelligence, into another new entity called United States Immigration and Customs Enforcement.

(6) The President’s January 30, 2003, reorganization plan did not explain the reasons for separating immigration inspection and border patrol functions from other immigration-related enforcement functions, or to combine immigration-related enforcement functions with customs and other functions, contrary to the design of the Bureau of Border Security as prescribed by the Congress in section 442 of the Homeland Security Act of 2002.

(7) United States Immigration and Customs Enforcement has faced major budgetary challenges that are, in part, attributable to the lack of resources upon the separation of immigration functions. These budget shortfalls have forced United States Immigration and Customs Enforcement to impose hiring freezes and to release aliens that otherwise should be detained.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) that sets forth—

(A) a description of the rationale for, and any benefits of, the current organizational structure of the Department of Homeland Security established by the President’s January 30, 2003, reorganization plan and submit a report of findings and recommendations to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101));

(2) REPORTS.—The report shall include—

(A) a description of the rationale for, and any benefits of, the current organizational structure of the Department of Homeland Security, Transportation, and Trade to perform, through the Secretary of Homeland Security, its functions, programs, personnel, assets, and liabilities pertaining to the following programs: the Border Patrol; alien detention and removal; immigration, customs, and border security; and intelligence, investigations, and enforcement activities; and immigration inspections at ports of entry;

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) that sets forth an assessment of the effectiveness of the organizational and management structure of the Department of Homeland Security in meeting the Department’s missions as described in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)); and

(2) recommendations to facilitate and improve the organization and management of the Department to best meet those missions.

(c) CYBERSECURITY ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report to the appropriate congressional committees that includes an assessment of the extent to which the Department of Homeland Security has funded the efforts of the Assistant Secretary for Cybersecurity to fulfill the statutory responsibilities for cybersecurity.

SEC. 503. PLAN TO REDUCE WAIT TIMES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a plan—

(1) to improve the operational efficiency of security screening checkpoints at commercially served airports, including reducing average peak waiting periods at such checkpoints do not exceed 20 minutes; and

(2) to ensure that there are no significant disparities in immigration and customs passenger processing times among airports that serve as international gateways.

SEC. 504. DENIAL OF TRANSPORTATION SECURITY CERTIFICATIONS.

Section 70105(c) of title 49, United States Code, is amended—
101)).

(2) in section 1(b) in the table of contents by striking the item relating to section 801 and inserting the following:

“Sec. 801. Office for State, Local, and Tribal Government Coordination.”

SEC. 508. AUTHORITY OF OTHER FEDERAL AGENCIES UNAFFECTED.

Except to the extent explicitly provided in section 101(b)(15) of the Act, such authority under statute, regulation, or Executive order of other Federal agencies than the Department of Homeland Security.

The Acting CHAIRMAN. No amendment to that amendment is in order except the part of B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 109-84.

AMENDMENT NO. 1 OFFERED BY MR. MEEK OF FLORIDA

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. MEEK of Florida:

Page 7, after line 6, insert the following new section:

SEC. 109. AUTHORIZATION FOR OFFICE OF INSPECTOR GENERAL.

Of the amount authorized under section 101, there is authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security for fiscal year 2006, 200,000,000.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Florida (Mr. MEEK) and a Member opposed each will control 5 minutes.

The Chair. The gentleman from Florida (Mr. MEEK).

(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is an amendment that will increase the amount of funding to the Department of Homeland Security Inspector General’s office by 200 million.

Mr. Chairman, this is so very, very important due to the fact that the Department of Homeland Security is the largest agency in the world right now, not only the Federal Government. It has 22 legacy agencies that had problems before the Department of Homeland Security was created. If it were not for the fact that they are in charge, this Department is in charge of protecting the homeland and making sure that all of the 9/11 Commission was implemented properly and also making sure that they protect our borders and our airways.

The inspector general really needs the additional funding and staffing to be able to keep up with the growing Department of Homeland Security. The spending on contracts alone was $6.1 billion in 2004, and in 2005 it moved up to $10.9 billion. That is a 40 percent increase within 1 year. It is literally impossible for the Inspector General’s office to keep up not only with the policing of the Department but to ensure that the mission's integrity is followed through.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I now rise in strong support of the amendment offered by the gentleman from Florida (Mr. MEEK), my Homeland Security Committee colleague, the ranking member on the Management, Integration and Oversight Subcommittee.

Mr. Chairman, we have heard testimony time and time again on our committee about the underfunding of the Office of Inspector Generals. We had committee testimony from three Inspector Generals indicating that the office was underfunded.

Just to show you what they found in recent reviews, we found that the Department spent 31,000 on rubber plants. We also found that they spent 500,000 on an awards ceremony. Clearly these expenditures are out of line and should not have been.

Testimony also revealed that had we had a more robust Office of Inspector General, we could do more oversight. So the gentleman from Florida’s (Mr. MEEK) amendment is in order. It is something that we should do. If we look at other agencies, this Department is woefully underfunded. And for the reason I rise in support of the amendment.

Mr. COX. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, first I want to compliment the gentleman from Florida (Mr. MEEK), who is a very able and well-informed Member of the committee and serves as the ranking member on the committee on oversight, which has particular responsibilities in this area. I support his view of the importance of the Inspector General’s function inside the Department of Homeland Security and of the mission of fighting waste, fraud, and abuse in the Federal Government, and specifically in the Department of Homeland Security, because it is a critical mission.

The reason, however, that I cannot support the amendment is different than what I have just said. I agree with the gentleman from Florida (Mr. MEEK) about the Inspector General’s function and fighting waste, fraud, and abuse. I cannot support it because the authorization of 200 million, which is a tripling of the current budget, has no offset. It is therefore a budget buster.
May 18, 2005

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As I stated in general debate, what has characterized our efforts on the underlying bill is that we are operating within the parameters of the House-passed budget, and specifically the allocation for the overall Department of Homeland Security of $52 billion.

When we make changes in the priorities in the bill by doing something else that is good, we have got to find somewhere to take the money from, and this amendment simply does not do it. It pulls the money from thin air.

The current level of funding that this would establish, the enormous increase from $83 million at present to $200 million, would create an IG office and staff and administration virtually identical in size to that which exists in the largest Cabinet Department, the Department of Defense, even though DOD's budget and empire and responsibilities are 10 times larger than the Department of Homeland Security. So there is a problem of scale.

The White House and the Administration have not responded to the testimony, correctly cited by my colleague, the gentleman from Mississippi (Mr. THOMPSON), of former IGs about their experience and their need for more staff, the current IG has more staff.

The staffing level of the Office of Inspector General already has grown significantly over the last 3 years from 475 full-time employees in fiscal year 2004, to 502 in fiscal 2005, to 540 in fiscal year 2006.

And for that reason, neither the administration nor the Inspector General himself has asked for this increase that is before us in this amendment.

For all of these reasons, I regretfully oppose the amendment offered by the gentleman from Florida (Mr. MEEK).

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

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just close by saying that this amendment is just a simple accountability amendment. Yes, I know it mirrors the Department of Defense. But the Department of Defense has the duty to protect not only Americans but also make sure that our men and women who are in harm's way are protected.

The Department of Homeland Security has a similar responsibility of making sure that we protect the homeland and make America safe and sound for future generations.

So, Mr. Chairman, I would urge the Members to vote in the affirmative for this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 2 offered in part B of House Report 109-84.

AMENDMENT NO. 2 OFFERED BY MR. COX

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. COX:

Page 7, after line 6, insert the following (and amend the table of contents accordingly):

SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING OF STATE AND LOCAL PERSONNEL PERFORMING IMMIGRATION FUNCTIONS.

(a) IN GENERAL.—To carry out subsection (b), from amounts authorized under section 101, there are authorized to be appropriated $40,000,000 for fiscal year 2006, to remain available until September 30, 2007.

(b) USE OF FUNDS.—From amounts made available under subsection (a), the Secretary of Homeland Security may reimburse a State or political subdivision for the expenses described in subsection (c).

(c) ELIGIBLE RECIPIENTS.—A State, or a political subdivision of a State, is eligible for reimbursement under subsection (b) if the State or political subdivision—

(1) has entered into a written agreement described in section 267(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) under which certain officers or employees of the State or subdivision may be authorized to perform certain functions of an immigration officer; and

(2) desires such officers or employees to receive training from the Department of Homeland Security in relation to such functions.

(d) EXPENSES.—The expenses described in this subsection are actual and necessary expenses incurred by the State or political subdivision in order to permit the training described in subsection (c)(2) to take place, including expenses such as the following:

(1) Costs of travel and transportation to locations where training is provided, including mileage and related allowances for the use of a privately owned automobile.

(2) Subsistence costs including lodging, meals, and other necessary expenses for the personal sustenance and comfort of a person required to travel away from the person's regular place of duty in order to participate in the training.

(3) A per diem allowance paid instead of actual expenses for subsistence and fees or tips to tutors and stewards.

(4) Costs of securing temporary replacements for personnel traveling to, and participating in, the training.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes.

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

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

Mr. Chairman, I rise in support of the amendment. I want to take this opportunity to thank the Chair and the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) with whom I am offering this amendment.

Our amendment will authorize funds to reimburse States for training costs that they incur if they voluntarily participate in the training of their law enforcement agents for the purposes of enforcing our Nation's immigration laws.

In 1996, I authored section 133 of the Illegal Immigration Reform and Immigrant Responsibility Act. That section is now codified as section 287(g) of the INA. It provided and continues to provide as a piece of our permanent legislation local and State law enforcement officers with the option of being trained and deputized by the Federal Government so that they can assist with the enforcement of immigration laws in the pursuit of their normal duties of protecting citizens from crime.

Over the last 8 years, slowly but surely, we have learned how to use this facility so that the Department has entered into several memoranda of understanding, for example, with the State
of Florida in September 2002, the State of Alabama in September of 2003, and very recently the County of Los Angeles in pursuit of specific authorization by the elected officials of the County of Los Angeles in February of 2005.

So that reason that we are offering this amendment today is that is much as this is a purely voluntary program, offering aid to State and local law enforcement that wants it that is asking for it and is volunteering for it, they should be reimbursed for their costs. First responders of helping to enforce Federal law and achieving the national mission of protecting our borders.

We need to capitalize on existing law enforcement resources by ensuring that State and local law enforcement have the opportunity to receive this training that will help them to protect their local communities.

In turn, those enforcement efforts will help protect the Nation from threats. I want to emphasize just a few things. First, this amendment does not alter the fundamental voluntary nature of the participation of States and Federal Government. So no State and no subdivision of the State that does not wish in any way to be involved in the enforcement of our immigration laws will be required to do so, either under existing law or under this fund provision.

Second, the purpose of the law, of the training, and of the reimbursement is to focus on crime and on people who are not only unlawfully in this country but who are committing other crimes, in particular felonies.

Third, the training that is provided by the Federal Government specifically includes training in the areas of civil rights and the prevention of profiling.

I want to reiterate that this amendment does not change or alter any authority that already exists in law. It merely provides funding for States for their first responders who should be reimbursed for this training.

I fully support this program, and I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve my time.

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

Mr. Chairman, I encourage Members to vote "no" on the Cox-Sensenbrenner amendment authorizing $40 million to be appropriated from the fiscal year 2006 budget to reimburse States and locals for the costs associated with having local law enforcement trained and certified by DHS' Immigration and Customs Enforcement to enforce immigration laws.

Mr. Chairman, plain and simple, we are shirking our responsibility as a government by passing this mission on to local governments. If we have the responsibility for immigration and immigration enforcement, we should do our job. We should appropriate the money to the respective department, whatever the requirements are, rather than passing the buck to local law enforcement. Local law enforcement clearly will tell my colleagues we have enough on our plate now, do not give us further responsibility by giving us immigration.

So, Mr. Chairman, while I understand my colleague's reasoning behind the amendment, it is clearly something that allows us to put this responsibility on someone else.

I guarantee my colleagues, when we do this, it will come with another program in the not-too-distant future. We will give other responsibilities to the local level.

I am a former mayor and a former county supervisor. Knowing law enforcement at the personal level, I am convinced that we have more than enough to do at the local level. The Federal Government should do what it is required to do on immigration. Let us not pass the buck. Let us make sure that we take the immigration responsibility and retain it at the Federal level.

That is why I urge a "no" vote on this amendment.

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

Mr. Cox, Mr. Chairman, as my colleagues know, this amendment is offered jointly by myself as chairman of the Committee on Homeland Security and the gentleman from Wisconsin (Mr. Sensenbrenner) as chairman of the Committee on the Judiciary. I yield 3 minutes to the gentleman from Iowa (Mr. King), a member of the Committee on the Judiciary.

Mr. King of Iowa. Mr. Chairman, I thank the gentleman, and particularly the gentleman from California (Chairman Cox) for yielding me time and for working and participating on this amendment.

I rise today in support of the Cox-Sensenbrenner amendment which authorizes funding to train State and local law enforcement officials to perform immigration officer functions.

I submitted a nearly identical amendment to the Committee on Rules because I believe this amendment provides the help our local law enforcement needs to enforce our Nation's immigration laws and keep our citizens safe. I am proud to stand today with the gentleman from Wisconsin (Mr. Sensenbrenner), my chairman, and the author of the underlying bill, the gentleman from California (Chairman Cox), the Committee on Homeland Security chairman, to urge my colleagues to support this funding.

Under section 287(g) of the Immigration and Nationality Act, State and local governments can enter into cooperative agreement with the Department of Homeland Security to train on Federal immigration law and be reimbursed for that training. This amendment would authorize the funds needed for that Alabama agreement for States all across this Nation.

There are two reasons to encourage local police to assist in enforcing immigration laws. First, while there are an estimated 8 to 10 million illegal aliens in the United States, ICE currently has only about 2,000 special agents to identify and remove them. Second, local officers come into contact with illegal aliens, especially criminal aliens, daily in performing their duties. So it is a practical marriage.

The House Committee on the Judiciary has promoted and supported local immigration enforcement efforts. Section 287(g) was added to the INA in 1996. In January of 2002, the Committee on the Judiciary pressed the Attorney General to accept local assistance in enforcing the immigration laws. As the then-Immigration Subcommittee chairman, I stated, "In light of the tragic events of September 11, 2001, and the growing problem of illegal immigration into the United States, this is perhaps the most pressing time for the Department of Justice to consider utilizing the power" conveyed under section 287(g).

The Federal Government subsequently authorized officers to perform immigration enforcement functions with Florida and Alabama.

The Committee on the Judiciary has revisited this issue in evaluating interior immigration enforcement, in examining sanctuary policies in a number of major cities, and in assessing the inherent authority of local police to enforce the immigration laws.

This amendment is an improvement over a narrow provision struck from H.R. 1817 during the markup of the legislation on May 12. That narrowly tailored provision applied only to States with a location 30 miles from a border or coastline. In order to truly protect our citizens from those who have entered our country illegally to do them harm, this policy must be applied nationwide.

As an April 2005 Subcommittee on Immigration, Border Security, and Claims hearing revealed, alien gang violence has followed immigration patterns from the ports and borders into the communities of the interior United States. Similarly, new reports indicate that local police far from the nearest national border confront alien criminals and smugglers on a daily basis.

So in summary, Mr. Chairman, I appreciate the opportunity to speak in support of this amendment that addresses the necessary cooperation between local law enforcement, both local and State, and the Federal education for local police to build that level of cooperation.

Mr. Thompson of Mississippi. Mr. Chairman, I reserve the balance of my time for closing.

Mr. Cox. Mr. Chairman, may I inquire how much time remains on this side?

The Acting Chairman (Mr. Cole of Oklahoma). The gentleman from California (Mr. Cox) has 3 minutes remaining.

Mr. Cox. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. Rogers).
Mr. ROGERS of Alabama. Mr. Chairman, I rise in strong support of the Cox-Sensenbrenner amendment. I would like to associate myself with the comments of the gentleman from California (Chairman Cox) and agree this proposal would help local law enforcement better enforce our Nation’s immigration laws.

Two years ago, 21 Alabama State troopers completed ICE’s Federal 5-week training course. Since that time, these state troopers have detained 128 illegal aliens as a result of routine traffic stops. For example, this January of 2004, two individuals were stopped by an Alabama State trooper for a traffic violation. Because the trooper was trained on how to spot false immigration documents, the two were detained. In the course of the investigation, the men were found guilty of attempting to smuggle over $435,000 in U.S. currency out of the country.

Likewise, in March of this year, two other individuals were stopped by an Alabama State trooper for a traffic violation. The driver identified was in possession of a U.S. passport, and the passenger was identified as a citizen of Mexico illegally present in the United States. A consensual search of the vehicle found nine firearms and ammunition hidden under the bed liner of the truck. Both were taken into ICE’s custody for prosecution.

It is important to note that all officers involved in this program received extensive training in cultural sensitivity and civil rights procedure. Contrary to the fears of the program’s opponents, ICE has received no complaints of intimidation, harassment or profiling. In fact, Alabama law enforcement officials have reached out to its immigrant community to help educate them on the law.

Overall, the program is an essential force multiplier and helps ICE officials better enforce our Nation’s immigration laws. I would also like to recognize the work of the gentleman from Texas (Mr. McCaul), a member of our committee, and all that he has done on this committee.

I thank the chairman for his leadership, and I ask for the House’s support of this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 4 1⁄2 minutes to the gentleman from Texas (Ms. Jackson-Lee), a member of the Committee on Homeland Security.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Mississippi for yielding me time.

I rise to acknowledge the good intentions of the effort offered by the proponent of this amendment, but I also raise red flags that are not answered by this amendment. In fact, it creates a whole new obligation for the Federal Government that does not address the Federal Government’s responsibility for immigration enforcement and reform.

Frankly, I wish we were debating $40 million plus and more to fully fund the first responders bill or the first responders fire prevention and homeland security personnel and police persons are fully funded for the work that they have to do to secure the homeland.

I would prefer an amendment that would fully fund the 2,000 plus every year border security protection agents that the 911 Commission recommended.

I would prefer this amendment to support the 800 a year ICE agents, the Immigration and Customs Enforcement officers who are at a measly 123 per year and do not have full complement to do their work.

All this amendment does is to set up an incentive that will not last and to get local communities dependent upon the resources in the line of fire to do the enforcement of immigration laws that the Federal Government should actually be doing. This gives them the false hope of memorandums of understanding that year after year will not be fully funded.

I am determined to have this debate and to have this discussion and, Mr. Chairman, it has not worked.

I see the very same pathway for this limited funding. Really, what we should be doing is giving the States $100 million plus that we have now burned. This funding mandate of the REAL ID bill. That bill, that is not funded, is going to create the greatest amount of havoc for untrained individuals dealing with this. It is not the law enforcement officers’ ground. It is the Department of Public Safety that is going to have to characterize and create something we call a national ID card.

It also creates a false sense of public safety and it harms public safety. The false promise of funding would encourage some agencies to enter into MOUs, but expanded State and local enforcement of Federal immigration laws would harm public safety.

When police become immigration agents, the trust and confidence of immigrants and their communities are shaken. Word spreads like wildfire, and those very same immigrants, legal and nonlegal, if you will, will stifle, cut out the cooperation of help. If officers and police persons are fully funded for the work they have to do to secure the homeland.

I would prefer an amendment that would fully fund the 2,000 plus every year border security protection agents that the 911 Commission recommended.

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local governments for costs incurred during criminal enforcement activities, it is highly unlikely that they will appropriate the monies needed to fund State and local agencies that engage in civil immigration law enforcement.

Not only is appropriation of this money less than efficient, but the money covers a very small portion of the costs incurred by State and local agencies entering into MOUs. It does not fund ongoing salary and administrative costs for police as they take on new demands related to immigration enforcement. Indeed, if the drafters did want to appropriate this money, it would make more sense for them to fund hiring and training of additional Federal agents.

**HARMS PUBLIC SAFETY**

The false promise of funding would encourage some agencies to enter into MOUs. But expanded State and local enforcement of Federal immigration laws would harm public safety.

When police become immigration agents, the trust and confidence of immigrants and their communities are shaken. Word spreads like wildfire that any contact with police could mean deportation for themselves or their family members. Immigrants decline to report crimes or to engage in other activities. They see them as easy prey, making our streets less safe as a result.

Experience shows that this fear extends not only to contact with police, but also to the fire department, hospitals, and the public school system.

**NOT THEIR ROLE**

State and local law enforcement’s priorities are and should be stopping, investigating, and punishing criminal activity. State and local police already have the tools they need to work with Federal agencies, including ICE, on joint operations and investigations. They can also detain criminals who are also immigration violators and contact ICE to come pick them up. They do this every day.

One frustration they run into is the fact that DHS doesn’t always respond to their requests for assistance with people believed to be undocumented. DHS also has its priorities, and has focused first on terrorists and criminals. Undocumented immigrants are further down the list. This amendment does nothing to ensure that agencies entering into MOUs will actually see them as easy prey, making our streets less safe as a result.

**NOT THE SOLUTION**

The answer is not asking State and local governments to make up for the failures of the feds. The answer is modernizing the immigration system so that well-intentioned migrants can enter to work and reunite with their families legally. When the current undocumented population is brought out of the shadows for a proper vetting and gets on a path to legal status, our enforcement resources will be better trained on the smugglers and fake document rings, the drug runners and violent criminals, and the terrorists who might manipulate our system.

As President Bush said, once immigrants have legal papers, “Law enforcement will face fewer problems with undocumented workers, and will be better able to focus on the true threats to our Nation from criminals and terrorists. . . . Temporary workers will be able to establish their identities by obtaining the legal documents we all take for granted. And they will be able to talk openly to authorities, to report crimes that are committed without the fear of being deported” (White House policy announcement, 01/07/2003).

These reforms are the real solution.

Mr. COX. Mr. Chairman, I yield ½ minutes to the distinguished gentleman from Texas (Mr. McCaul).

Mr. McCaul of Texas. Mr. Chairman, I thank the chairman for yielding me time and for his hard work on this amendment which is vital to assisting State and local law enforcement to participate in this very important program. I was proud to offer the base amendment at the committee level, along with my friend from Alabama.

An estimated 8-12 million undocumented aliens are here in the United States, and Border Patrol estimates that for every one that is apprehended at the border up to three others enter our Nation or 9-11. These figures are no longer just an immigration problem but, rather, one of national security.

□ 1400

My experience on border security is that our Federal law enforcement officers are being stretched too thin and need to do all the help available. With this amendment, State and local officers can be trained to perform the essential functions of an immigration officer, including investigation, apprehension, and detention of not only undocumented aliens but potential criminals and terrorists.

The $40 million to States who qualify will serve as a needed multiplier to our border patrol, border inspectors, and ICE investigators; and it is purely a voluntary program.

If we have learned anything from the tragedy of September 11, it is that we must work together. No longer can we afford the turf battles between State, Federal, and local law enforcement. As the head of the Joint Terrorism Task Force back in my State, the State of Texas, I can tell you that State and local participate in the Joint Terrorism Task Force. This will give them the tools and the training necessary to enforce not only our terrorist laws but the immigration laws that so often overlap into Federal terrorist criminal penalties.

I urge my colleagues to support this amendment. It will bring law enforcement together in a unified front to protect our national security.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIRMAN (Mr. COLE of Oklahoma). The gentleman from Mississippi has ½ minutes left on his side.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield ½ minutes to the gentleman from Florida (Mr. MEEK), a member of the committee.

Mr. MEEK of Florida. Mr. Chairman, we argued this amendment in committee, and I have some concerns about it because I used to be a State trooper in Florida. I know exactly what happens when we feel that we are doing something, but we are really not doing anything.

With all due respect to my colleagues on the other side and their hard work, which I join them in the theory of making sure that we reimburse local law enforcement agencies that have invested time in doing what is a Federal responsibility, but the 9-11 report called for more ICE officers, it called for more Custom border protection officers, and it called for a Federal agency, like the Department of Homeland Security, to have what it needs to carry out its duties.

I must point out to the Members at line 18 on this particular amendment, on the front page, page 7 here of the overall bill, it says that the Secretary of Homeland Security “may” reimburse State and local subdivisions for the expenses that are carried out in the correction.

Now, I am going to tell you right now this is the kind of language, and I want to make sure the law enforcement communities understand this, that this is not a guaranteed reimbursement. We are not guaranteeing them that they are going to be reimbursed. So I want to make sure the Members understand that wholeheartedly.

I understand the intent of this amendment, but I believe that if we are going to run, let us walk. If we are going to walk, let us walk. But let us not jog on an issue such as this. I believe that that language should say “shall” if we are going to come to the floor and say we are going to reimburse local subdivisions and State law enforcement agencies.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume in commending the gentleman from Alabama.

(Mr. THOMPSON of Mississippi asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Chairman, as I have already indicated from my opposition to this amendment, we are moving toward making States and localities assume a Federal responsibility. This is not in the best interest of homeland security. We have certain things as a Federal Government that we should do. Immigration protection is one of those items.

I understand from my chairman that he is interested in trying to help, but at some point we have to do our job. What we need to do is provide the resources to the Department to make sure that the Department can do its job, not pass the buck to another State.

You have heard from my colleague who used to be a State trooper who talks about the difficulties in crossing the lines. I ask my colleague to consider that, but I also ask opposition to the amendment.
Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. Bonner). All time has expired.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 109-84.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. KENNEDY of Rhode Island:

At the end of the matter proposed to be added as section 205 of the Homeland Security Act of 2002 by section 225(a)(2) of the bill strike the closing quotation marks and the final period and insert the following:

"(c) Consultation.—In carrying out this section, the Under Secretary shall consult with the Homeland Security Center of Excellence for Behavioral and Social Research on Terrorism and Counter-Terrorism and with such other academic research centers with expertise in risk communications as the Under Secretary determines appropriate."

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Rhode Island (Mr. Kennedy) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. Kennedy).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself such time as I may consume.

Terrorism is a psychological warfare. Terrorists try to manipulate us and our behavior by creating fear, uncertainty, and division in society. To succeed, the terrorists do not necessarily need to land an attack. Threats of an attack and failed attacks can still create fear, uncertainty, and division; and that is the terrorists' goal.

The key battleground in the war on terrorism, therefore, is in the minds of the American public. And how the government communicates about homeland security is central to how the public responds. I would argue that the communications record of the Department of Homeland Security has been an abysmal failure. The duct tape and plastic sheeting fiasco speaks for itself. The color-coded system does not work well and has undermined the Department's credibility.

The gentleman from California (Mr. Cox), chairman of the Committee on Homeland Security, and I have talked about this issue over the last year, and I know he is very concerned about it. I am grateful that the committee has instructed the Department of Homeland Security in this bill to fix the problems with the color-coded terror alert system.

As the bill requires, any terror alert system must give people and organizations some indication about what steps they must take to improve their own security and assist in the Nation's security. It also requires that the alert be targeted at specific populations or regions, when possible.

What we need is a system that tells us to be scarred. That is it. We do not find out any information about the nature of the threat. We have no idea what we can do to make ourselves more secure. And this kind of vague warning inadvertently plays to the hands of the terrorists who want us to be afraid.

On the other hand, the American public possesses a great resilience and strength, and good risk communication strategies can tap into and even amplify those assets. In other words, risk communications is crucial to homeland security because it can be the difference between hardening the target and making it more vulnerable.

I have been working on these issues for several years now, and I can tell you that there is a wealth of knowledge out there about how the government should communicate in emergencies about threats. This amendment would simply require that in replacing the inadequate system we have now, that the Department draw on this expertise and research in order to help the government in its risk communications.

In particular, I think it is critical that the Department consult with the Homeland Security Center of Excellence for Behavioral and Social Research on Terrorism and Counterterrorism, which is already funded by the Department. We are already paying for this research, and we should make sure it is realized.

I want to thank the chairman of the Committee on Homeland Security and the ranking member, the gentleman from Mississippi (Mr. Thompson), for agreeing to this amendment and for recognizing the imperative to extend special thanks to Dr. Mike Barnett from my office, who has been indispensable to me in crafting this legislation.

Mr. Chairman, I will just close by saying that this amendment is not controversial, it has no cost, and it is very simple: When it comes to homeland security, communications have a lasting impact. So let us make sure we get it right by tapping the best experts.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding; and if I might, I would like to speak first to the amendment that the gentleman has offered, and then we could engage in a colloquy on a second amendment.

So, Mr. Chairman, I rise therefore in support of the amendment offered by the gentleman from Rhode Island. As the gentleman observes, we have established in the Federal Government, through the Department of Homeland Security, the Homeland Security Center of Excellence for Behavioral and Social Research on Terrorism and Counterterrorism. This center, which is located in Maryland, was established by a $12 million grant from the Department of Homeland Security in January of this year.

This is the fourth Homeland Security Center of Excellence to be established. Its expertise lies precisely in this area, and it makes a good deal of sense to rely on this newly available expertise as we redesign the homeland security advisory system.

As the gentleman from Rhode Island points out, section 205 of the underlying bill, which we are amending, will already require redesign of that system to move from vague and general warnings to specific warnings that wherever possible are sector specific, industry specific and threat specific; regional in nature wherever possible.

We have to stop issuing vague warnings that only serve to alarm the general public, and we have to provide useful information to the category of people who receive the warning. Using the concept of this center to accomplish both of these important objectives.

And I am very glad that the gentleman from Rhode Island has worked with the staff on the committee to address some concerns with the original draft of the amendment so that we are now completely in accord on both the language and the wisdom of the proposal.

For all of those reasons, I am pleased to accept the amendment and urge my colleagues to vote in its support.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, as my colleague and I have just spoken on the importance of communications and risk communications, as you know, research shows that the more the public is brought into the terrorism planning and response, particularly through social networks like churches, unions, professional organizations, and business groups, as well as neighborhood associations, the more effective we can be at limiting the impacts of terrorist acts and terrorist threats.

Not only is the inherent resilience and the strength of the American public enhanced by participating, but the American public has a critical commonsense knowledge that the government agencies and community organizations need in order to develop plans that will protect as many people as possible.

For this reason, it is a high priority of mine, as it is of my colleagues, to better integrate the public into the planning at State, local, and Federal levels. Preparedness and response efforts are likely to be far less successful than they should be if we do not have a plan and a substantial public involvement in the process.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. COX. Mr. Chairman, although I am in support of the amendment, I ask unanimous consent to claim the time in opposition.
The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, in closing, when the sarin gas attack happened in Japan, 90 percent of the people who went to the hospital had no infection or exposure to the sarin gas whatsoever. People died at the hospital because the medical teams were not able to attend to them because they were overwhelmed with people coming in and clogging up the hospital.

If we had a terrorist attack, the way the people respond is going to determine whether that attack is just a tragedy or whether that attack becomes an all-out disaster. And that is why risk communications are so important. That is why the chairman and I are pushing to make sure that the Department of Homeland Security does better than it has thus far and does better than the plastic sheeting and duct tape, which they once recommended in the wake of a terrorist threat and a transition to the color-coded system, which has not proven to be very successful.

So I thank the chairman for his assistance in this matter.

Mr. COX. I yield myself the balance of my time. Mr. Chairman, and I would like to appeal the gentleman from Rhode Island for his comments on and his commitment to this vitally important issue. I too am committed to citizen terrorism preparedness.

I agree that the Department of Homeland Security should make it a priority to engage the American public as partners in homeland security. It simply makes sense to encourage continued dialogue between the Department and its constituency, the American people.

The Department of Homeland Security has taken many important steps to foster just this kind of dialogue. For example, the Department administers the Citizen Corps Program which is specifically designed to improve civilian terrorism preparedness. In addition, the Department Science and Technology Directorate plans to establish a Center of Excellence on Domestic Preparedness and Response Capabilities. When established later this year, this center will engage in mission-oriented research to enhance citizen preparedness and improve citizen input into local, State and Federal preparedness and response efforts.

As chairman of the Committee on Homeland Security, I believe it would be prudent for the committee to hold hearings on the purpose and effectiveness of the Department's citizen terrorism preparedness programs. I also agree with the gentleman from Rhode Island (Mr. KENNEDY) that our government's preparedness is contingent upon actively and substantively engaging the citizens, and that that question must be part of our inquiry.

I look forward to working with the gentleman from Rhode Island (Mr. KENNEDY) as Members on both sides of the aisle on the Committee on Homeland Security as we examine this topic more closely. I think we all agree that citizen preparedness is simply too important to ignore.

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

The Acting CHAIRMAN (Mr. BONNER). The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 109-81.

AMENDMENT NO. 4 OFFERED BY MR. COX

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. COX:

In section 392(c), strike "the Congress" and insert "the appropriate congressional committees".

In section 311, strike subsection (b) and insert the following:

(b) COORDINATION AND COOPERATION.—

(1) COORDINATION.—The Secretary shall coordinate and contribute to protective prioritization developed under section 331; and

(2) COORDINATION.—The Secretary shall coordinate and contribute to protective prioritization under this section with other relevant Federal agencies.

In section 331, strike subsection (c) and insert the following:

(c) COORDINATION.—The Secretary shall coordinate with the Congress and any other relevant Federal agencies.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. COX) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I rise to urge the adoption of an amendment to H.R. 11817 which would require the Department of Homeland Security to coordinate with other relevant Federal agencies, especially as it pertains to the protection of critical infrastructure. Many of these Federal agencies are taking strong and innovative steps to protect the critical infrastructure they regulate, which is why it is so important for the Department of Homeland Security to coordinate closely with these agencies.

Unfortunately, the Committee on Homeland Security which had assured us that this particular language would be a part of the manager's amendment, did not get included, and I understand it was inadvertent. But because of that reason we have had to offer this as an amendment on the floor. It is my understanding that the gentleman from California (Mr. COX), the chairman of the committee, fully support this language, and I am not aware that anybody opposes it. I hope at the appropriate time we can pass this by voice vote and all Members voting aye.

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

Mr. Chairman, I rise to urge the adoption of an amendment to H.R. 11817 which would require the Department of Homeland Security to coordinate with other relevant Federal agencies.

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

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

Mr. BARTON of Texas. Mr. Chairman, there are a number of places in the manager's amendment to H.R. 11817...
that refer to coordination efforts between the Department of Homeland Security with ‘other relevant Federal agencies,’” specifically as it relates to protection of critical infrastructure and cybersecurity. I want to ask the distinguished chairwoman of the Committee on Homeland Security if those “other relevant Federal agencies” would include the departments and agencies under the jurisdiction of the Committee on Energy and Commerce, including the Department of Commerce, Department of Energy, Department of Health and Human Services, Federal Communications Commission, Federal Energy Regulatory Commission, Nuclear Regulatory Commission, Federal Trade Commission, National Information Agency, and the Environmental Protection Agency?

Mr. COX. Mr. Chairman, yes, I agree. Certainly in matters relating to cybersecurity and protection of critical infrastructure, the agencies the gentleman listed will be considered “relevant Federal agencies.”

Mr. BARTON of Texas. I thank the gentleman for his explanation and look forward to working with him to ensure that Federal agencies have a role to play in homeland security. And although it is not a part of the colloquy, there may come a day when the gentleman from California is the chairman of the Committee on Energy and Commerce, and he will be very glad he answered yes to those questions.

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment for purposes of debate, although I do not oppose the amendment.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, for the record, I am in support of this amendment as the gentleman from Texas (Mr. Barton) and the gentleman from Michigan (Mr. Dingell).

This amendment highlights the important need for the Secretary of the Department of Homeland Security to coordinate the prioritization of the Nation’s critical infrastructure with other relevant Federal agencies. By requiring the Secretary to enter into such partnerships, the Department of Homeland Security can draw upon the institutional expertise of a variety of agencies.

This is critical for completing an accurate, comprehensive and thorough assessment of terrorist threats to our country’s critical infrastructure. Having a national asset database lists for Mississippi, I believe the Department needs as much help as it can get. Our Nation can no longer wait for an accurate prioritization of our most valuable asset. This is why I join my other colleagues and encourage Members to vote yes on this amendment.

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

The Acting CHAIRMAN. All time has expired.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109-84.

AMENDMENT NO. 5 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

PART B AMENDMENT NO. 5 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS:

Page 50, after line 17, insert the following:

SEC. 310. NATIONAL MEDICAL PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary of Homeland Security shall make grants for the National Medical Preparedness Consortium to train emergency medical professionals to prepare for the mass casualties that will be caused by a terrorist event involving weapons of mass destruction.

(b) DESCRIPTION OF CONSORTIUM.—The Consortium referred to in subsection (a) is a consortium of institutions that—

(1) have existing facilities and experience in emergency medical training;

(2) have worked together for over 10 years on disaster medical training and mass casualty management;

(3) in 2004, established a national standard, known as the National Disaster Life Support curricula, for the medical treatment of mass casualties from terrorist events involving weapons of mass destruction; and

(4) have worked to implement throughout the United States training programs for medical professionals that use such standard.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there is authorized to be appropriated $5,000,000 for fiscal year 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Georgia (Mr. Deal) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself 5 minutes.

Mr. DEAL of Georgia. Mr. Chairman, I yield a minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the ranking member as well as the chairman of the Committee on Homeland Security for coming forth with this legislation.

The objective of my amendment is very simple. This amendment attempts to promulgate a national standardization of emergency medical response training for events involving weapons of mass destruction.

The centerpiece of the National Medical Preparedness Consortium is its affiliation with the Center for Mass Destruction Defense, a CDC Center for Public Health Preparedness.

The Center For Mass Destruction Defense is the original developer of the National Disaster Life Support courses, including Advanced Disaster Life Support, which provides an all-hazards approach to emergency medical services preparedness and are the only courses certified by the American Medical Association as national standards.

The Center for Mass Destruction Defense was also one of the founding members of the National Disaster Life Support Education Committee of the AMA, which oversees the development and current implementation of the basic and advanced disaster life support courses, as well as a co-founder of the National Medical Preparedness Consortium. The funding for the National Medical Disaster Consortium would come from the Office of Domestic Preparedness which would not exceed $5 million.

Since before the 9/11 attacks, great progress has been made in the level of training and preparedness for the first responders for terrorist attacks, including firefighters, police and other law enforcement personnel.

These first responders have been telling their trainers we really appreciate the training and preparedness, especially for large-scale attacks, but when going to save the health care people? They are going to be real efficient about bringing these patients up to the emergency room, but what happens after they enter?

It is one of those strange disconnects. When we had 9/11, most of the people were killed and all we thought about was firemen and policemen. But we do not expect that everyone will be killed if we have another disaster. They will need emergency care, and that is where this comes in.

The physicians, nurses, hospitals, providers and other health care personnel have not been getting the widespread training in terrorist attacks that the firefighters, police and other first responders have gotten. There has been a variety of courses done here and there, but the vast majority of the health care personnel have not been trained and the ones that have received some training have received a real conglomeration of different course content, different quality, and even with strange disagreements between the courses.

As a trained, educated, degreed nurse myself, I can tell Members firsthand that in certain critical fields of medicine the professional community has come up with a national standard of training in order to get everybody on the same page because it is often important that nurses and physicians go from one end of the country to another and are trained, just as the policemen do, but they need to have a specific body of knowledge when they get there.
The two main examples were trauma care and cardiac care before we came up with a national standard for trauma care. Like car wrecks, people were getting different approaches in some places, and patients were dying from poor care.

The same was happening with cardiac care. Then we came up with advanced trauma life support, or ATLS, and advanced cardiac life support. These national standards revolutionized trauma and cardiac care around the Nation. I have taken both the ATLS and the ACLS myself and this is the way to go.

What we need now is a national standard for disaster care so that the medical community will be able to respond responsibly across the Nation. What we need is a national standard for advanced disaster life support. Well, there is an advanced disaster life support curriculum that has been developed by the CDC center known as the Center for Mass Destruction Defense, and this curriculum has been endorsed by the American Medical Association for a national standard for disaster medical care.

In addition to the AMA, a number of specialty medical organizations have also adopted the advanced disaster life support curriculum, such as the American College of Emergency Physicians. The advanced disaster support curriculum, and its sister courses, basic disaster life support and CDSLS, have been presented in 35 States now which is a wider distribution for an all-hazards disaster medical curriculum than any other available.

I know that the opposition to this is that it did not come through the Committee on Energy and Commerce and there are some who think it has already been done. What I am attempting to do here is to put something in a place that makes sense, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents, particularly since the incidents.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?
rule. JFK does not have the same rule, even though the attack occurred on New York.

Mr. Chairman, I fly into and out of Reagan airport every week. Several times on these flights I have heard snickering and whispering about the 30-minute rule. People know that this rule makes no sense, and the government is the butt of jokes about it. It is nonsense to have rules that are nonsensical, causes the government to lose the respect of the people. I have also seen forest fires, particularly children and elderly, desperate to use the bathroom but unable to do so. This inconvenience is pointless.

I urge my colleagues to support this commonsense amendment.

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

The Acting CHAIRMAN. Does any Member seek recognition in opposition?

Mr. EHLERS. Mr. Chairman, I yield myself the balance of my time.

Silence in the Chamber represents approval in this particular case. I appreciate the incredible support I have received from my colleagues for this amendment since I offered it. I have instantly become popular for the first time in my congressional career. I appreciate the meaning of the silence that we have.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 109-84.

AMENDMENT NO. 7 OFFERED BY MR. DEFAZIO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. DEFAZIO

At the end of subtitle A of title III, add the following (and conform the table of contents accordingly):

SEC. 310. FEDERAL FLIGHT DECK OFFICERS.

(a) TRAINING AND REQUALIFICATION TRAINING.—Section 44921(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) LOCATION OF TRAINING.—" (A) STUDY.—The Secretary shall conduct a study of the feasibility of conducting Federal flight deck officer training at facilities located throughout the United States, including an analysis of any associated programmatic impacts to the Federal flight deck officer program.

(B) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall transmit to Congress a report on the results of the study.

(c) FEDERAL FLIGHT DECK OFFICER FIREARM CARRIAGE PILOT PROGRAM.—Section 44921(f) of title 49, United States Code, is amended by adding at the end the following:

"(d) PILOT PROGRAM.—"
make a number of changes. They would be issued badges which they do not currently have and they sometimes have a hard time convincing people they are authorized to have a gun and they are a Federal law enforcement officer for purposes of aviation. It would give them an application to secure revocation of their certification. It would look toward making the training more accessible for people, particularly the recertification, although the facility we are using is an excellent facility but we want to be certain that because of distance or time that more pilots are not precluded from becoming volunteers and providing this critical defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding time. Hopefully that 2 minutes will be sufficient to deal with this amendment.

Mr. Chairman, this amendment does make a successful program even more successful. Sometimes that is hard to find in government agencies and activities and it is also sometimes hard to find the right amount of dollars that we spend for homeland security. This takes a program that was opposed by the airlines, somewhat by the administration, by the other body, by some Members on both sides of the aisle and actually takes a program that gives us a last line of defense, an additional layer. This is in addition to the air marshals. This is in addition to secured cockpit doors and other improvements that we have put in place. These individuals involved in this, the pilots, I have nothing but the greatest praise for their going forward in a long training program, it takes a full week, going practically to the end of the earth. I went out there with the gentleman from New Mexico (Mr. Pearce), he represents Albuquerque, and then we went to Roswell, which is 2 or 3 hours to the south. I said, are we there yet? He said, no, tomorrow I’m taking you to the end of the earth which is where they have put this program. I cannot tell you how many pilots have participated in this, both commercial passenger and cargo. It will exceed the number of air marshals that we have in this fine program. This does some things in helping them access recurrent training that is required, improves communications and gives them safe weapons carriage. It is a great program. They are great, dedicated Americans and pilots involved in this program and this enhances a very successful back line of defense for aviation security.

I commend the gentleman from Oregon, the former ranking member of our subcommittee, for his efforts.

Mr. DeFazio. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi (Mr. Thompson), the ranking member on the Committee on Homeland Security.

Mr. Thompson of Mississippi. Mr. Chairman, I rise in support of this amendment. It is a commonsense amendment. We have to do all we can to protect the flying public. As has already been said, our pilots are the last line of defense to protect the flying public. By training them with this program and providing all of the necessary background work as an excuse for not making this program successful. I compliment the gentleman from Florida (Mr. Mica) and join the gentleman from Oregon (Mr. DeFazio) in support of this amendment, and I look forward to it’s passage.

The Acting Chairman. The question is on the amendment offered by the gentleman from Oregon (Mr. DeFazio).

The amendment was agreed to.

The Acting Chairman. It is now in order to consider amendment No. 9 printed in part B of House Report 109-84.

Amendment No. 9 offered by Mr. Cardin

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

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. Cardin:

Page 55, line 15, after “Research Projects Agency,” insert the following: “the Information Assurance Directorate of the National Security Agency.”

The Acting Chairman. Pursuant to House Resolution 283, the gentleman from Maryland (Mr. CARDiN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. Cardin).

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

Mr. Chairman, by way of brief background, this legislation creates an assistant Secretary for Cybersecurity, a much-needed high-level position in the Department of Homeland Security. We need one person in our government to serve as the point person on cybersecurity issues.

The legislation also tasks the Under Secretary for Science and Technology with support, research, and development, including long-term research, into cybersecurity issues with a particular focus on preventing and responding to large-scale, high-impact attacks.

This bill would require the Under Secretary to coordinate their activities with the Assistant Secretary for Cybersecurity and three other named agencies: NIST, DAEPA, and NIST. My amendment would bring to the table one agency in addition, which would be the National Security Agency, or NSA. NSA is most well known for its signals intelligence and interception of messages. However, NSA has a long and established license of working in the field of information assurance. Indeed, NSA is responsible for safeguarding the privacy and security of military communications as well as many other civilian communications of our government.

The Acting Chairman. The question is on the amendment offered by the gentleman from Maryland (Mr. Cardin).

The amendment was agreed to.

The Acting Chairman. The question is on the amendment offered by the gentleman from Mississippi (Mr. Thompson).

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

Tightening security along our vast northern border is one of the most important steps we have taken to defend
Mr. WILDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:


AMENDMENT NO. 10 OFFERED BY MR. SOUDER.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 406. LEAD AGENCY FOR CERTAIN AIRSPACE SECURITY.

(a) LEAD AGENCY FOR NATIONAL CAPITAL REGION.-The Office of Air and Marine Operations of the Bureau of Customs and Border Protection of the Department of Homeland Security shall be the lead agency in the Department responsible for the planning and execution of the airspace security in the special use airspace that surrounds the National Capital region.

(b) LEAD AGENCY FOR SPECIAL EVENTS OF NATIONAL SIGNIFICANCE.-The Office of Air and Marine Operations shall be the lead agency in the Department responsible for the planning and execution of the airspace security for those special events of national significance, as determined by the President, that require special security of the airspace surrounding the event.

(c) DUTIES OF LEAD AGENCY.—As the lead agency in the Department of Homeland Security for airspace security for any airspace described in subsection (a) or (b), the Office of Air and Marine Operations shall take such actions as may be necessary to facilitate the coordination, within the Department and between the Department and the Transportation, Justice, and Defense and appropriate State and local government agencies that have jurisdiction over an area that is within the special use airspace, of airspace security activities for such airspace and of law enforcement responses to violations of such airspace security.

(d) RECOUP.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare and submit to Congress a report that identifies the facility, asset, and personnel requirements necessary to carry out the airspace security responsibilities of the Office of Air and Marine Operations under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

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

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

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

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

After the first attacks on 9/11, the Secret Service was given responsibility for the airspace in the National Capital region. During the final 6 months of the Department of Defense working with the Secret Service, there were 182 intrusions into the 15-mile security ring. In December, 2000, DoD was tasked into finding a more optimal solution because one of the problems, which we said just a couple weeks ago here at the Capitol hearing, is when we have a plane going 85 knots, 93 miles an hour, and all of a sudden an F-16 comes on going at 300 miles an hour, there is no escorting of the plane, there is no ability to talk to the plane. So the Air and Marine division, AMO, of the Customs and Border Protection agency inside DHS, has the smaller planes, the Citation, the Black Hawks with which to do this.

Last week my staff and other staff in the Senate and the House learned on Friday that inside the Department of Homeland Security there is no designee who is the lead, and we have to work it out between DHS and the Department of Defense; but it is just appalling that inside the Department of Homeland Security we do not have a lead as to who is in charge in the air.

A couple of basic things that we need to understand here. That plane got within 2 minutes. It was a small plane that might have bounced off, but what we have seen throughout the world in a number of terrorist incidents now, planes exactly like that one loaded with explosives could not get our warning to get out of this building and clear the area. I got to 1st St. at approximately the time the plane was being landed. In other words, we could barely get out of the cloakroom before the plane we have hit.

So unless we can control that airspace, unless we have a lead designee like the Air and Marine division inside DHS, which is a start, and then to work with DoD, we are dead here. There is no way to stop a plane. Even if we had showed up, if we had showed up, it would have hit us coming on in unless it completely disintegrated, and at 93 miles an hour, it was a tough call.

So I believe this amendment addresses a great need.

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

Mr. COX. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. COX) is recognized for 5 minutes.

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

I want to engage in a colloquy, if I might, with my colleague from Indiana and begin by sharing with him my support for his objectives and also my shared concern with this issue, which he has clearly identified, of overlapping jurisdictions.

Before the Congress takes the next step of designating a single agency to be the lead on airspace security, it is my view that we need our full Committee on Homeland Security through hearings and oversight to take an in-depth look at the capabilities of each of the agencies involved. Additionally, Secretary Chertoff is just days away from presenting to us the results of his 90-day top-to-bottom review of the Department, and I expect that the results of that review will include issues of overlapping and other areas needing improved coordination.

So I would be glad to work with the gentleman on this precise issue and to...
move with alacrity if he would be willing to withdraw his amendment so that we can consider this in the committee. If that is agreeable to him, I would be happy to make that commitment at this time.

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

Mr. COX. I yield to the gentleman from Indiana.

Mr. SOUTER. Mr. Chairman, my concern is that, as he knows, I had two other amendments that I withdrew because we had jurisdictional questions. Clearly, the Parliamentarian has ruled in this case that this amendment is germane to this bill, is in the jurisdiction of this committee, and is in the primary and actually sole jurisdiction of this committee or it would not be in this committee. This is only inside the Department of Homeland Security. It does not have anything to do with the Department of Defense.

So my question is, if I withdraw my amendment, are we guaranteed that, in fact, it will come back through our committee and be in the sole jurisdiction of our committee?

Mr. COX. Mr. Chairman, reclaiming my time, I believe the gentleman has very clearly and accurately stated the jurisdictional question on this amendment. It has been determined that it falls within the jurisdiction of the Committee on Homeland Security. For that reason I would propose that the Committee on Homeland Security take up this issue and use its jurisdiction to help solve this problem.

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

Mr. COX. I yield to the gentleman from Indiana.

Mr. SOUTER. Mr. Chairman, I agree that we have not had hearings. I believe that the urgency is great and that we fight so much over jurisdiction in this body that literally this Congress and this city could have been theoretically blown off the face of the Earth while we argue over jurisdiction.

So I think this would be done with alacrity. I would hope that there will not be jurisdictional battles, that it has to go through three committees, so that we can get something back to this floor as soon as possible because it was demonstrated last week that our lives may depend on this.

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

We are all aware of the aircraft incursion in the National Capital Region airspace last week. I believe that the response to that event demonstrates that coordination and communication between the various Federal agencies works well.

Each agency, including the Federal Aviation Administration (FAA), the Transportation Security Administration (TSA), the Department of Defense (DOD), and the Customs and Border Protection, Air and Marine Operations (AMO) had the same information, communication, and coordination was excellent, and each agency fulfilled its function.

It has been my understanding that each agency, including AMO, has a specific role to play.

The FAA is the lead and has sole authority over airspace management and control at all times.

The TSA handles airspace security policy within the Department of Homeland Security. AMO handles tracking and intercepting aircraft in violation of FAA airspace rules and orders in the National Capital Region, and handles other law enforcement operations.

Finally, the DOD is in charge of airspace defense.

These rules have been long established and are not in question.

Therefore, I am unsure why there is a perceived need for a lead agency within the Department of Homeland Security in these situations even more, I am unsure if AMO is the proper entity to fulfill that role.

Nevertheless, I believe strongly that FAA must retain airspace management and control at all times... before, during and after an event, terrorist or otherwise.

Without a doubt, aviation safety is of paramount importance, even during an incursion event, and the FAA is the proper authority and lead in this regard.

I must remind my colleagues that the incursion last week turned out not to be a terrorist event and is pursuing punitive action against the pilot in question.

Since this is most often the case, it seems strange to give AMO, a law enforcement agency within Customs and Border Protection, the lead in airspace security.

If one thing went right last week it was communication, coordination and each Federal agency understanding and fulfilling their role.

If it ain't broke, don't fix it.

Therefore, I urge my colleagues to vote "no" on the Souder amendment.

Mr. CUMMINGS. Mr. Chairman, I support the amendment (No. 10) offered by Mr. SOUTER, the chairman of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, with whom I serve as Ranking Minority Member.

The amendment would extend through FY 2006 the authorization of the Office of Counternarcotics Enforcement within the Department of Homeland Security (DHS). The amendment would authorize the office at a level of $6 million—same amount authorized by Congress, but not funded by the Administration, in FY 2005.

Our government's response to the attacks of 9/11 has been to take the fight to the terrorists militarily and to take steps to insulate our people and infrastructure from threats to our national security at home.

Congress created the Department of Homeland Security with the stark realization that gaps in security at our borders and ports of entry provide an open door not only to illegal immigration and dangerous illegal drugs, but also to terrorist threats.

Investigations into the 9/11 attacks also led to a greater understanding of the extent to which drug proceeds are the lifeline of international criminal and terrorist organizations that threaten the U.S. Government.

Congress's recognition of the importance of stemming the flow of drugs into the United States is reflected in the mission statement of the Department of Homeland Security. Codified in the original authorizing statute, that statement of DHS's mission to explore links between terrorists and drug trafficking organizations and otherwise pursue drug interdiction.

The gentleman from Indiana and I share the view that we must not allow the threat of singular catastrophic events to detract from domestic efforts to stop the daily onslaught of illegal drugs that gradually turns American lives to waste and local communities into war zones.

Let us not forget, Mr. Chairman, that domestic consumption of illegal drugs claims roughly 20,000 thousand American lives each year—nearly seven times the number of Americans who perished in the 9/11 attacks.

Thousands more Americans go to jail or prison for drug-related crimes or become a victim of drug-related violence or property crime. An estimated $150 billion in economic productivity is lost annually due to drugs.

That is why I co-authored with Chairman Souder a provision in the Homeland Security Act of 2002 that created within the Department of Homeland Security the position of Counternarcotics Officer, or "CNO."

It was our purpose in proposing the CNO provision to create a high-level position within DHS that would maintain a high profile and provide coordination for counternarcotics missions. The CNO was tasked with ensuring that DHS drug interdiction, investigation, and enforcement efforts would be coordinated internally and also meshed with the efforts of other Federal agencies to maximize the efficiency and effectiveness of anti-drug efforts throughout the government.

Three years later, the Homeland Security Department is up and running, but the record shows that the Administration has stood in the way of our efforts to support and improve coordination of counter-drug enforcement efforts.

Last year, in response to the Administration's failure to prioritize anti-drug efforts with DHS, we replaced the CNO position with the Office of Counternarcotics Enforcement, authorizing $6 million for the office in FY 2005. Unfortunately, President Bush ignored the will of Congress and chose not to fund the office. The Administration's budget request includes nothing for the office in FY 2006 and further seeks to undermine drug enforcement by proposing deep cuts in major anti-drug programs including HIDTA, Byrne Grants and the COPS program.

Mr. Chairman, the Office of Counternarcotics Enforcement deserves to be reauthorized and to be funded at a level adequate for it to fulfill its mission.

By extending the authorization of this office, we can help to ensure that the war on drugs and the war on terror both can be fought with maximum vigor, efficiency, and effectiveness.

We need to show a real commitment to our Nation's counternarcotics efforts—extend the reauthorization of the CNO and give the office permanent funding and personnel.

I thank the gentleman for offering his amendment, I urge the Committee to make the amendment in order, and I support the gentleman in his efforts to secure funding for the office as the DHS appropriations bill goes to conference.

Mr. SOUTER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11.
The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

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

Mr. Chairman I would like to thank the gentleman from California (Chairman Dreier) and the Committee on Rules for making my amendment in order and the gentleman from California (Chairman Cox) and the gentleman from Mississippi (Mr. Thomas), ranking member, as well as their staffs, for their good work on this bill and for working with me on this important issue.

My amendment would permit the Department of Energy laboratories to team with a university or consortium of universities when competing for Department of Homeland Security’s Centers of Excellence. Currently, the DHS Science and Technology Directorate prohibits DOE laboratories from contributing to university proposals for Centers of Excellence solicitations.

MY Amendment Would Allow DOE Labs to Participate as Partners with Universities in Preparation of Centers of Excellence proposals. This is only if the university or universities want the DOE lab to participate. It is not my intention to take anything away from universities or have Centers of Excellence located anywhere but at the universities. Under my amendment, universities will remain the lead on the Centers of Excellence proposals.

As a member of the Subcommittee on Homeland Security of the Committee on Appropriations, I want to state that I fully support the Centers of Excellence located anywhere but at the universities. Under my amendment, universities will remain the lead on the Centers of Excellence proposals.

My concern arises from a faulty policy decision by the Science and Technology Directorate to prohibit DOE labs from partnering with universities to bring their expertise to complement university proposals. I have heard that the Department of Homeland Security opposes my amendment. That is unfortunate, but I know that we are on the right track for six reasons.

First, DOE labs, even the ones that are intramural, are not and have not been involved in strategic planning and program development for Centers of Excellence and university programs. Second, these labs are only intramural to those DOE legacy programs under the Office of Research and Development mostly dealing with chemical, radiological, and nuclear threats within the funding that comes to Office of Research and Development for those missions. This funding is all done at national laboratories where the classified nature of the research needs to happen at a secure Federal research facility.

Third, to say that an intramural DOE lab has insider information on the Centers of Excellence program is simply not accurate.

Fourth, why do DOE labs have the ability to be eligible to partner with universities post award if requested by the university? What is the difference between pre award versus post award? How do universities write a proposal? The Department accepts it, makes the award to the university, and then after it is awarded, the university changes the proposal to add a DOE national lab that was barred from contributing in the first place. That makes no sense.

Fifth, it is my understanding that these Centers of Excellence are eligible for renewal, so there is a question that is still not clear. If a university that wins the Center of Excellence picks the Oak Ridge National Laboratory, for instance, to partner post award, would that preclude Science and Technology from considering that university from competing again or getting a renewal contract?

Finally, what happens when a university has a contractor at a DOE national laboratory such as a University of Tennessee and Battelle, which manage the Oak Ridge National Laboratory, or the University of California that manages Lawrence Livermore, does that not preclude these universities from ever being considered for Centers of Excellence proposals?

When we created the Department of Homeland Security Science and Tech Directorate, this was not the intended result. The Federal Government should encourage our excellence in academia to partner with our excellence at our national labs.

The Science and Tech Directorate’s use of the national labs is still unclear. Congress needs to work together on this and challenge these decisions by making DHS of Excellence such as the University of Tennessee and Battelle, which manage the Oak Ridge National Laboratory, or the University of California that manages Lawrence Livermore, does that not preclude these universities from ever being considered for Centers of Excellence proposals?

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Experts estimate that a terrorist attack in this area could pose a potentially lethal threat to 12 million people living within a 14-mile radius. The Menendez amendment would require the Secretary of the Department of Homeland Security to make the necessary assessment to ensure there is a plan to coordinate and protect the people and infrastructure in this particularly vulnerable region.

Mr. Chairman, I rise in support of this amendment.

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

Mr. Cox. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

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

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

Mr. Thompson. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

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

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

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

Mr. Menendez. Mr. Chairman, I yield the balance of my time.
President security passenger fee, it does not include language increasing the aviation passenger fee in order to consider amendment No. 13 printed in part B of House Report 109—84.

AMENDMENT NO. 13 OFFERED BY MS. HOOLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 13 offered by Ms. HOOLEY:

At the end of title V, insert the following:

SEC. 509. PROHIBITION AGAINST INCREASE IN SECURITY SERVICE FEES.

None of the funds authorized under this Act may be derived from an increase in security service fees established under section 48940 of title 49, United States Code.

The Acting CHAIRMAN. Pursuant to the Amendment No. 13 offered by Ms. HOOLEY:

Before the other body, Richard Skinner, acting Inspector General of the Homeland Security Department January 26, 2005 said; “The ability of TSA screeners to stop prohibited items from being carried through the sterile areas of airports is far better than the performance of screeners prior to September 11, 2001.”

Now, what is wrong? We do not have the technology. We do not have the technology. And I have proposed that this year, that we put it on technology that will do a better job. Not only will it do a better job, the GAO has said that we can decrease personnel by 78 percent for those that screen the baggage by hand now behind those checkpoints in the air, almost half of the 45,000 personnel.

So we are paying more, getting less. This proposal would reduce $1 billion a year that cost to the taxpayers. This is a bad amendment. The airlines may like this amendment, but let me tell you what they will do.

If we do not correct and reform this system, we will have another 9/11 because this expensive structure that we have in place does not work. It needs to be changed with technology. These reports say it. As chairman of the Aviation Subcommittee, I am telling you that we need it. And the only way to fund it, and do not tell me we have not helped the airlines. I stood up here and fought for $5 billion for them after 9/11. We gave them another $3 billion on top of that for security improvements. Then they got away with the absconding with 4 months of the revenue that they never passed on to the Federal Government and we never said anything.

We are right now financing 21 percent of FAA and the air traffic control system out of the general treasury. And some little guy from Oregon who is making $7 an hour, you are going to ask him to pay that security fee. He never gets on a plane, he is probably making minimum wage and is going to now pay to underwrite a failed system because the airlines will not step forward.

I even offered them a half a billion. They promised me that they would pay us a billion dollars when we assumed this responsibility. Last year they paid us $315 million, $700 hundred million short. Shame on them. Shame on them for even pushing this amendment.

This is a disgrace. We should be putting in place the best equipment to do away with the system that has failed. This is not something every Member to go and read those classified reports. We are not playing games here; we are dealing with the safety, security, and the economic future of this Nation.

So I urge the defeat of this amendment. I urge the reform of TSA that does not work, that costs us a lot of money; and those that use it should pay for it, not some poor guy from Oregon or Florida that is getting left holding the bag and paying the bill.

The user pays. That is what we do here. We are down now and we are subsidizing the expenses of FAA and air traffic control by half a billion dollars a year because they got away with the tax on the tickets does not raise enough money. So it is coming out of the pockets of people who do not even fly.

This is a user-based system. Let us fix this system. Correct this bill.

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

Ms. HOOLEY, Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, with all respect to my colleague, the gentleman from Florida (Mr. MICA), I could not disagree more strongly.

The Constitution of the United States gives the Congress the responsibility to provide for the common defense. When al Qaeda turned airliners into missiles, hundreds of passengers aboard those aircraft were killed, but thousands of people in the World Trade Center Towers and in the Pentagon were killed. And none of them was an airline passenger.

Neither were the millions of Americans who suffered the economic damage of billions of dollars inflicted by al Qaeda as a result of their attacks. Homeland security, in my view, is the essence of national security.

And this amendment puts that question to the test. Is homeland security merely the correlation of national security, or is it the core of what we are seeking to establish when we provide for the common defense and protecting the territory and the population of the United States?

If every time the Pentagon needed a new weapons system they had to find a user fee in order to pay for it, we would have a third-world national defense. But, in fact, Mr. Chairman, as Democrats and Republicans on the Homeland Security Committee have determined, homeland security is being provided for the common defense, and funding it is a national responsibility.

For those reasons, I strongly support the amendment offered by gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).
Mr. THOMPSON of Mississippi. Mr. Chairman, I rise and express strong support for the amendment of the gentlewoman from Oregon (Ms. HOOLEY). It sends a strong and simple message to Congress: do not raise aviation passenger security fees.

I strongly believe that raising fees will place an additional burden on the flying public and could weaken the economic strength of domestic commercial aviation.

Mr. Chairman, I strongly support the Hooley amendment and urge my colleagues in the House to vote in favor of this important amendment.

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

Mr. Chairman, just in closing let me say, homeland security, we all want to make sure that our country is as safe as possible. Homeland security is a responsibility of all of our citizens.

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

The acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Acting Chairman announced that the ayes have it.

Ms. HOOLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in part B of House Report 109–84.

AMENDMENT NO. 14 OFFERED BY MR. CARDIN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Mr. CARDIN:

Page 78, insert after line 22 the following (and redesignate the succeeding provisions and conform the table of contents accordingly):

SEC. 508. STUDY OF MODIFICATION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of “National Capital Region applicable under section 401 of the Homeland Security Act of 2002 to update the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(b) FURTHER CONDUCTING THE STUDY.—In conducting the study under subsection (a), the Secretary shall:

(1) improve coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(2) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the National Capital Region.

We passed nearly an identical amendment in October 2004 when the House considered the 9/11 Commission recommendations bill. This amendment clarifies that DHS will ultimately mandate the appropriate definition for the purposes of homeland security. I want to thank my colleague, the gentleman from Maryland (Mr. BARTLETT), for his leadership on this issue.

I want to thank the chairman and ranking member for working with me on this amendment in order to make it an effective study for Congress.

I would urge my colleagues to accept this amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mrs. CAPITTO). Does any Member seek time in opposition to the gentleman’s amendment? If not, the gentleman from Maryland (Mr. CARDIN) is recognized.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CARDIN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 109–84.

AMENDMENT NO. 15 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment to the Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Ms. SLAUGHTER:

Page 79, after line 6, add the following:

SEC. 509. REPORT TO CONGRESS ON UNIFORM AND IDENTIFICATION SECURITY.

(a) DEFINITION.—For the purpose of this section, the term “forms of Homeland Security Identification” means any uniform, Washington, D.C. remains the highest-profile target for terrorists who successfully attacked the Pentagon on September 11, 2001, and failed to complete their attack against the White House or the U.S. Capitol.

Therefore, we need to take extraordinary steps to improve the coordination between governments and first responders in Washington D.C., Virginia, and Maryland in order to prevent and respond to attacks in the National Capital Region.

In the event of a terrorist attack in Washington, D.C., for example, local and State and government officials in Maryland and Virginia would be expected to provide immediate resources to assist in the recovery.

Maryland and Virginia would be asked to help in the evacuation of thousands or even over a million people from the Washington, D.C. metro region in certain circumstances.

Such an event would place an extraordinary strain on our existing first responder community and may overwhelm the ability of local, regional, State, Federal, military, public health, and non-profit agencies and personnel.

So this amendment simply asks that we do the study to see what is the appropriate definition for the purposes of homeland security. I want to thank my colleague, the gentleman from Maryland (Mr. BARTLETT), for his leadership on this issue.

Again, I want to thank the chairman and ranking member for working with me on this amendment in order to make it an effective study for Congress.

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I would urge my colleagues to accept this amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mrs. CAPITTO). Does any Member seek time in opposition to the gentleman’s amendment? If not, the gentleman from Maryland (Mr. CARDIN) is recognized.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CARDIN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 109–84.

AMENDMENT NO. 15 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment to

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Ms. SLAUGHTER:

Page 79, after line 6, add the following:

SEC. 509. REPORT TO CONGRESS ON UNIFORM AND IDENTIFICATION SECURITY.

(a) DEFINITION.—For the purpose of this section, the term “forms of Homeland Security Identification” means any uniform,
and the technology we have employed to ensure that someone cannot counterfeit a $20 bill, I am shocked that ensuring the integrity of the badges and identification of public officials has not been made a similar priority. DHS badges, uniforms, and IDs are indicative of authority, and the bearers are granted access to restricted areas and to sensitive information. We trust that people who have those badges and wear those uniforms of the Department of Homeland Security are, in fact, officials of that agency, and we teach our children to trust people who show official badges and wear the official uniforms. How terrifying is it to think about someone’s lost child walking up to someone wearing a DHS uniform only to have that person really be a criminal.

This amendment is an important first step in improving the integrity of the DHS badges, uniforms, and IDs. Next week, I plan on taking our efforts to protect the integrity of our public officials one step further by introducing legislation that will expand the current Federal criminal ban on fake police badges and the misuse of authentic badges to include uniforms, identification badges, and other insignia of public officials, because we must be able to trust those who said that they are public officials.

I appreciate very much being able to present this amendment and ask for its adoption.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the gentleman’s amendment? If not, the amendment is recognized.

Ms. SLAUGHTER. Madam Chairman, I thank very much the chairman of the committee and the ranking member of the committee, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in Part B of House Report 109-84.

AMENDMENT NO. 16 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

Mr. Chairman, I rise today to offer an amendment because I am deeply concerned that the Department is not paying sufficient attention to the northern border of the United States.

My amendment today is very simple, and I want to take this opportunity to thank the gentleman from California and his staff for their great work in helping me to draft this amendment.

Mr. Chairman, the National Intelligence Reform Act of 2004 contained important provisions dealing with improving border surveillance on the northern border of the United States. Congress intended for the Secretary of Homeland Security to carry out a pilot program to test advanced technologies for border security along the northern border. Yet, as far as I know, the Department of Homeland Security has not carried out this program.

The intelligence reform bill also provided that the Secretary of Homeland

and (B), respectively, of paragraph (1).

the objectives described in subparagraphs (A) and (B), respectively, of paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from New York (Ms. Slaugh
ter) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER), Madam Chairman, I yield myself such time as I may consume.

My amendment would require the Secretary of Homeland Security to report on the agency’s efforts to reduce the replication of its badges, uniforms and other insignia. In addition, the Secretary would be directed to report on the agency’s efforts to increase public awareness of counterfeit badges and uniforms, and to teach Americans to identify authentic identification of a DHS official.

Two years ago, a man wearing an FBI jacket and carrying a badge attempted to rob the Xerox employee credit union in my district. The would-be robber in my district. The would-be robber jacket and carrying a badge attempted to rob the Xerox employee credit union in my district. The would-be robber attempted to rob the Xerox employee credit union in my district. The would-be robber tried to rob the Xerox employee credit union in my district.

Last week, the Department of Homeland Security arrested a man in New York City who was in the possession of over 1,300 fake badges and IDs from over 35 law enforcement agencies, along with two NYPD police uniforms. In addition, DHS agents found a Glock 9-millimeter handgun, a Beretta semi-automatic rifle, a Winchester shotgun and used casings from a shoulder-fired missile.

I think everyone would agree that frightening of the trouble he might have caused. The availability of counterfeit badges is an ongoing problem in this country, and it has gone unchecked for too long.

I am disturbed that the identification and clothing of our public officials is so easily reproduced. When I think about all the different efforts we have made
Security must develop and submit to Congress and to the President a comprehensive plan for systematic surveillance of the southwest border by remotely piloted aircraft.

As I mentioned yesterday when I spoke, many Members may not realize that the U.S.-Canadian border is over 4,000 miles long, and it consists of more than 430 official and nonofficial points of entry. That is double the length of the U.S.-Mexico border, and even with recent staffing moves, DHS has only 1,000 Border Patrol agents along the northern border, compared to over 10,000 along the smaller southern border. Some might think the southern border is more dangerous, but I would remind my colleagues that terrorists and drug traffickers trying to bring in poison like methamphetamine will try to get to us at the path of least resistance.

The lack of substantial resource and staffing along the northern border poses a real security threat. In fact, due to the shortage, DHS has looked for new ways to monitor the Canadian border, such as a new proposed requirement for passports to get back and forth over the border. But for a border as long as ours with Canada, so many unmanned access points, it is simply impractical to think having Border Patrol agents check passports will stop determined terrorists.

Do we expect al Qaeda or drug dealers to wait an hour at the border to show up with their passports? Or will they cross at some unknown spot along this vast border?

We need to adopt a more rigorous standard of protecting our northern border that makes wise use of our manpower and employs the same sophisticated technology as we use on our southern border.

By requiring the Department to comprehensively study the use of remotely piloted aircraft, AKA unmanned aerial vehicles, on the northern border and by requiring the Secretary to actually perform the pilot program created in the National Intelligence Reform Act, my amendment makes a significant step forward to securing this vast border.

Madam Chairman, the time has come to make our northern border just as safe and secure as the southern border. I urge all our Members to support this important amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition to the gentleman’s amendment? The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I would just ask the Members to vote in favor of this amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in Part B of House Report 109-84.

AMENDMENT NO. 17 OFFERED BY MS. JACKSON-LEE OF TEXAS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 509. GAO STUDY OF PROPOSALS TO INCREASE TEMPORARY PROTECTED STATUS REGISTRATION FEE. (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall complete a study of, and report to Congress on, the likely consequences of increasing the fee described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254A(c)(1)(B)).

(b) ELEMENTS OF STUDY.—The study described in subsection (a) shall—

(1) calculate the number of applicants for relief under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255(a)) who have sought a waiver, been granted a waiver, or been denied a waiver from such fees due to their inability to pay such fees, since the enactment of such section;

(2) project the cost at which such fee would be set if it were calculated consistent with the manner in which the Department of Homeland Security calculates fees under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m));

(3) taking into account the countries of nationality of the current population of beneficiaries of section 244 and the lack of work authorization that such beneficiaries have while awaiting the outcome of an adjudication, assess the ability of the current population of beneficiaries under section 244 to pay such fee if it were increased to the level projected pursuant to paragraph (2);

(4) estimate the number of requests for fee waivers that would likely have to be adjudicated per 1,000 applications should such fee be increased to the level projected pursuant to paragraph (2);

(5) estimate the cost and number of man hours that would be required to be expended in order to adjudicate the fee waiver requests described in such paragraph; and

(6) estimate the cost differential between the current cost of adjudicating applications and the standard cost of a per-application and an aggregate basis.

SEC. 510. GAO STUDY OF CONSEQUENCES OF EXPANDING USE OF PREMIUM SERVICE FOR IMMIGRATION BENEFIT APPLICATIONS AND PETITIONS. (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall complete a study of, and report to Congress on, the Department of Homeland Security’s proposal to expand the use of premium fees for employment-based petitions and applications under section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)) to other applications and petitions.

(b) ELEMENTS OF STUDY.—In performing the study required under subsection (a), the Comptroller General shall—

(1) shall consider and assess—

(A) all factors that help quantify and assess the current impact of premium processing on immigration benefits adjudications of employment-based applications and petitions; and

(B) the degree to which the use of premium processing for employment-based applications and petitions has negatively or positively impacted the length of time that it takes to adjudicate employment-based applications and petitions for treatment under section 286(u) of the Immigration and Nationality Act but for which no premium fee is paid; and

(2) shall assess—

(A) whether expansion of section 286(u) of the Immigration and Nationality Act to family-based immigration petitions and applications would increase the length of time it takes to adjudicate family-based petitions and applications in cases where the applicant cannot afford to make use of the premium service;

(B) all other likely future impacts of an expansion of premium processing to family-based immigration benefits applications and petitions;

(C) the number of additional adjudicators needed to process premium processing applications;

(D) the impact of premium processing on the number and assignment of adjudicators; and

(E) the number of individual applicants who would opt to use premium processing under this expanded program annually.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, again I thank the chairman of the full committee and the ranking member of the full committee for working with all of us as we try to construct a real definitive homeland security policy. I am always reminded that we always seemingly receive wake-up calls, and certainly, last week a little Cessna gave America a wake-up call.

I have argued extensively that homeland security is beyond the Beltway, if you will. In the neighborhoods and suburbs and rural areas of America. At the same time, our responsibilities deals with the documentation of the individuals in this country.

I have always said that we need real immigration reform, and I have joined my colleagues in supporting efforts for enhanced border security, understanding the violence at the border, making sure we have more border security patrol agents, more ICE officers, more benefit funding to ensure that those who are in the legal line for citizenship are not delayed by years and months.

I come with this amendment, which is a simple proposition, to make immigration access fair, disregards the temporary protection status, and I am joined in this amendment by the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary. I would at this point submit in the RECORD a letter from the Homeland Security Department.

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Let me tell my colleagues what that means.

Temporary protective status is generally given to those who are fleeing persecution in their countries; women who are fleeing domestic violence who happen to be immigrants; individuals who are fleeing from circumstances such as those fleeing from Bosnia or Kosovo during the time of war; immigrants who may be fleeing or may have fled from Iraq at the time of persecution from Saddam Hussein; those who have fled from Afghanistan since the rise of Al-Qaeda; and those who are fleeing from Sudan, where we know there is much brutality and mutilation of men and women in that area. But the Homeland Security Department is proposing to raise the fees two fold.

These are the most vulnerable that come to our country. Many of them come to our country as the Statue of Liberty has said, give us your poor, your huddled masses yearning to breathe free.

I would ask the question that we would prefer, and I think the most important aspect of temporary protective status, it gives those who are fleeing persecution a legal status to stay in the country. That is what has passed in their particular country.

Many of those who receive temporary protective status actually leave, and so it is not a question that they are seeking, if you will, permanent immigration status. It is a temporary status.

For those who may ultimately seek a permanent status, we already have sizeable fees for securing legal permanent residence; sizeable fees for individual visas, such as family reunification; sizeable fees for workforce visas and J-1 visas and nurses visas. Those individuals are able and working to provide or to pay those kinds of fees.

We also have sizeable fees for citizenship, and I think that is right. The citizenship of the United States pays for the services that are rendered, and likewise, in a bill that I am offering, the Saves America Comprehensive Immigration and Assimilation Act, we will help protect American jobs and provide Americans with training.

But the temporary protective status is for the vulnerable, and I believe that this amendment will ask the GAO to study the negative impact that it will make on those seeking temporary protective status and give guidance to the Homeland Security Department so that they can reconsider the suggestion that is being made about the fees on those most vulnerable that are here in this country.

I would ask my colleagues to consider the vulnerability of these individuals and to support an amendment that asks the GAO to study the current charge put a premium fee on those who are barely here and surviving because they had to flee to survive and to save their lives. I know that we are a just country and that we can do better, and I would ask my colleagues to support this amendement.

Madam Chairman, I rise with the distinguished Ranking Member of the Judiciary Committee from Michigan to offer Amendment No. 82, the “Jackson Lee/Conyers GAO Study Amendment.” To summarize this amendment, it would instruct the General Accounting Office (GAO) to conduct a study examining the impact of an increase in Temporary Protective Status (TPS) fees on the circumstances of individuals of countries for which TPS is available and the differential in cost between the current statutory fee and the cost-based fee proposed by Customs and Immigration Services (CIS).

In addition, this amendment instructs GAO to conduct a study of the premium processing fee system and its possible application to individuals and families.

To further simplify the operative provisions of this amendment, it has two prongs. Prong One relates to the United States Citizenship and Immigration Services bureau (USCIS) fee increase for processing applications for Temporary Protected Status (TPS) relief. USCIS would like to remove the cap limiting the amount of fees that can be collected for processing expedited applications for TPS. The application fee for TPS has been fixed by statute at $50 since 1990. USCIS would like to raise the fee according to processing costs and inflation, following the existing regulatory process. USCIS argues that the $50 limit is inconsistent with the Department of Homeland Security’s other immigration benefit applications that are based on recovery of full processing costs.

TPS is an immigration category that allows non-citizens of designated countries to remain in the U.S. following political strife or natural disasters in their native countries. TPS applicants are eligible for work authorization while their applications are pending. USCIS says that many of them have been working here for years when a disaster strikes their home country and they become eligible for TPS—thus they are able to pay increased fees, or can they seek a waiver for economic hardship. However, many TPS beneficiaries come from impoverished countries and are often in the U.S. visiting relatives or are here for other brief stays. It may be policy to raise fees for TPS beneficiaries when they have no practical alternative but to remain in the United States.

If the fees were raised to the ridiculously high levels that other fees have been raised to over the last several years, DHS would likely wind up fielding many more fee waiver requests than they currently have to field.

Prong two relates to the USCIS proposal to expand Premium Processing Fees to individuals. USCIS wants to expand the authority of the Secretary of Homeland Security to establish premium processing fees for non-employment based immigration petitions and applications. Currently, premium processing is only available to employers seeking to hire an immigrant; it allows employers to pay $1,000 fees to expedite employment-based petitions for naturalization.

Under the new amendment, any immigrant would be able to expedite their immigration paperwork if they could provide the additional $1,000 fee. Funds collected from this fee would be deposited, as are other adjudication fees, in the USCIS fund account in order to enhance USCIS customer service. The amendment clarifies that APA rulemaking and Federal Register publication requirements do not apply. Rather, availability and terms of premium processing would be published through the USCIS web site.

The amendment also authorizes premium fees in excess of $1,000 for employment-based adjudications relating to those in the investor visa (EB-5) program for investors of at least $500,000 in job-creating enterprises, including regional centers, for which the current $1,000 cap does not justify the cost-effective provision of premium service.

Enclosed is detailed justification for each of the actions proposed in this notification.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If you may be of further assistance, please contact the Office of Legislative Affairs at (202) 267-4412.

Sincerely,

PAMELA J. TURNER, Assistant Secretary for Legislative Affairs.
other employment-based applications and petitions are slowed down because DHS places more of its resources into adjudicating the premium requests.

Even if the premium fee was working well in the employment-based arena, it may not apply well in the family-based arena. Businesses can pass their costs on to consumers (or even compensate for those fees in the salary and benefits that they pay the workers), and so they do not necessarily care so much about the increased costs. Family-based applicants often cannot pass on increased costs to another party.

This amendment calls on the GAO to examine the use of the premium fee in the employment-based arena before the practice is extended into the family-based arena. The study will look at the efficacy of the practice in the employment-based arena and whether it has slowed down adjudications for those who do not pay the premium. It also will look at the differences between family-based applicants and employment-based applicants and how their differences might result in different experiences.

The GAO should also study the proposal to exempt DHS from the Administrative Procedures Act (APA) and examine the questionable suggestion of tying application fees.

Madam Chairman, I ask that my colleagues support Mr. CONYERS and me on this amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone rise in opposition to the gentleman’s amendment? The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I ask my colleagues to support the amendment, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in support of the Jackson Lee/Conyers amendment to H.R. 1817, which would direct the Government Accountability Office (GAO) to conduct a study of two Administration proposals to increase the fees paid by applicants and petitioners for immigration services.

The administration’s fiscal year 2006 budget submission proposed that Congress enact legislation to authorize the United States Citizenship and Immigration Services (USCIS) component of the Department of Homeland Security to increase the fee paid by applicants for Temporary Protected Status (TPS) above the statutory limit of $50.

The administration also has proposed that Congress enact legislation to extend a provision that permits the then-Immigration and Naturalization Service (INS) to set the fee at whatever level was necessary in order to pay for the cost of adjudicating an applicant’s application. Instead, in recognition of the special circumstances faced by TPS beneficiaries, Congress opted to cap the TPS fee at $50.

By statutory definition, Mr. Chairman, TPS beneficiaries reside in countries where there has been a natural disaster or an ongoing armed conflict and the foreign state is unable to handle their return. While it is certainly true that TPS applicants can get work authorization pending their requests, they would first have to pay the fee in order to be considered for TPS authorization. Many TPS beneficiaries, Mr. Chairman, come from impoverished countries and are often in the U.S. visiting relatives or are here for other brief stays. It may not be the best policy to raising fees for TPS beneficiaries when they have no practical alternative but to remain in the United States.

If the fees for TPS are raised to the outrageous levels that other fees have been raised to in recent years, it could result in two unacceptable consequences. It could either drive would-be beneficiaries underground because they cannot afford to pay the fee. Or it could result in an exponential increase in requests for fee waivers, an outcome that would slow down adjudications for all other applications or immigration benefits. My amendment requests that the GAO examine these potential consequences.

Premium Service Fee—Nearly five years ago, Congress enacted legislation giving the Administration the authority to charge a $1,000 premium fee for businesses that wish to expedite the adjudication of employment-based immigration applications and petitions. The Administration has asked Congress to give it the authority to charge a similar fee to family-based applicants and petitions.

The accounts are mixed, Mr. Chairman, on how well the premium service fee for employment-based applications and petitions has worked. We have heard from some, for instance, that implementation of this diversion has resulted in a slowing down of adjudications for those businesses who decline to pay the extra fee. An impartial body should study how the premium service program is working in the business arena before extending it to family-based applications and petitions.

Moreover, Mr. Speaker, there are vast differences between the resources available to employment-based and family-based petitioners and applicants. Businesses often can pass on the costs of a premium fee to their customers or adjust the wages and benefits of the prospective employee to recover the extra cost. Those options are not available to families on the other hand.

If reports are true that implementation of the program in the employment arena has slowed down adjudications for those businesses that decline to pay the fee, expansion of the program to the family-based arena could have disastrous consequences for those families that cannot afford to pay an additional $1,000 for each application or petition.

Conclusion—Mr. Chairman, the studies and reports that the amendment would require do not seek to prejudice the question of whether the administration should be given the new fee authorities that it has requested. Instead, my amendment would see the advice of impartial experts at the Government Accountability Office before Congress acts. I urge the adoption of this amendment.
through as many means as possible, including residential training at Federal facilities, onsite training held at State or local police agencies or facilities, online training courses by conference teleconferencing, and videotape, or the digital video display (D/V) of a training course or courses. (2) FEDERAL PERSONNEL TRAINING.—The training of Federal personnel under this section shall not displace or otherwise adversely affect the training of Federal personnel. (c) INCLUSION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising that officer’s inherent authority to assist in the apprehension, arrest, detention, or transfer to Federal custody illegal aliens during the normal course of carrying out their law enforcement duties. (d) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended— (1) by striking ‘‘Attorney General’’ each place that term appears and inserting ‘Secretary of Homeland Security’’; and (2) in paragraph (2), by adding at the end the following: ‘‘Such training shall not exceed 14 days or 80 hours, whichever is longer.’’

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

REQUEST FOR MODIFICATION TO AMENDMENT NO. 18 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Madam Chairman, I ask unanimous consent to modify my amendment.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk reads as follows:

Modification offered by Mr. NORWOOD to Amendment No. 18 printed in H. Rept. No. 109-44.

On page 1 of the amendment, strike out ‘‘or remove’’ in line 7.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from Georgia?

Mr. THOMPSON of Mississippi. Reclaiming my time, Madam Chairman, I object to the change.

The Acting CHAIRMAN. Objection is heard.

Mr. NORWOOD. Madam Chairman, the Norwood amendment would definitely clarify the existing authority, existing authority of State and local law enforcement personnel in assisting in the apprehension, detention, and transport of illegal aliens in the routine course of their daily duties. This last phrase, ‘‘in the routine course of duty,’’ is critical because the language ensures that law enforcement has certainty when they come in contact with illegal aliens that are breaking our laws.

My amendment also would require DHS to establish a training manual and pocket guide for law enforcement and set forth simple guidelines for making training available.

Madam Chairman, I need to make this perfectly clear. This authority for State and local law enforcement already exists, though there is some confusion. But law enforcement officers and agencies need some assurance from us that they can take appropriate action when their laws are broken. Any confusion about what to do when law enforcement meets with lawbreakers needs to end.

Some will argue law enforcement does not need adequate resources. That is clearly just not the case. We passed yesterday over $1.5 billion for homeland security, including $690 million for custody management, funds to dramatically increase detention bed space, $88 million for the Institutional Removal Program, there is $211 million for transportation and removal of undocumented aliens, and a good amendment today authorizes another $40 million to help willing States and local law enforcement. There is also $5 billion in the pipeline for first responders, and many of them are from law enforcement.

Imagine if a State or local law enforcement did not enforce Federal drug laws, or if a highway patrolman was confused about the speed limits on Federal interstates. Would Congress allow States and local law enforcement to not enforce Federal laws on bank robbers or kidnappings or fraud? In the wake of the 9/11 terror, porous borders are a major security concern.

Madam Chairman, I sponsored a bill with nearly identical language last Congress, so this is not just thought up today. It was endorsed by the National Sheriffs Association, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and the 9/11 Families For a Secure America.

In addition, endorsements came from chiefs of police in Illinois, Iowa, Georgia, Indiana; and sheriffs from a slew of States endorsed similar language previously, including California, Michigan, Tennessee, North Carolina, Florida, Ohio, Texas, Washington, South Carolina, Oklahoma, Oregon, and in nearly a dozen more.

Colleagues, the only area of law that State and local law enforcement are not enforcing because they are unsure about what can be done is the immigration law. That should change. It must change. And this is the right tool and the right bill to correct this critical matter.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

Madam Chairman, I encourage Members to vote ‘‘no’’ on the Norwood amendment. The Norwood amendment seeks to clarify the inherent authority of State and local law enforcement to apprehend, detain, remove, and transport illegal aliens in the routine course of duty. That is not what it does. In fact, it would expressly prohibit States and local governments from having authority to report criminals who are foreign nationals to the Department of Homeland Security and to assist the Federal Government in criminal investigations. But current law does not allow law enforcement to pick up immigration violations or deport them unilaterally. That is essentially what this amendment allows.

Do you want to give a local law enforcement officer the authority to remove people who they may suspect are in this country illegally? Do you prefer to have the Department of Homeland Security do that? Section 287(g) of INA, which provides for local law enforcement to enter into agreements with ICE, does not allow local law enforcement to remove an alien.

This amendment is also frightening because it allows a local police officer who receives no training at all on immigration law to deport someone. How does this police officer know that it is safe to, as William Finney of the St. Paul Police Department, who all have expressed real concern about the apprehension, detaining, and deportation of illegal immigrants.

Instead of focusing on training State and locals to do the job of our fellow law enforcement officers, we need to do more to train and provide Federal law enforcement with the resources it needs to fully carry out the responsibilities of the Department to enforce immigration and Customs violations.

DHS already faces challenges in cross-training its own personnel and
Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

As I indicated earlier, Madam Chairman, the gentleman sought to clarify his amendment without providing us with the opportunity to see it and, for that reason, Madam Chairman, I reserve the balance of my time.

Mr. NORWOOD. Madam Chairman, I yield myself 15 seconds just to remind the gentleman that if there are chiefs of police or State patrols in any particular State that do not want to be bothered by helping their Nation rid itself of terrorists, this is all voluntary. The gentleman can write them back and say we have passed a law, but you do not have to be involved.

Ms. HART. Madam Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Madam Chairman, I thank the gentleman for yielding me this time. I rise in support of his amendment. I am a cosponsor of his legislation, and very proud to be. The gentleman has a commonsense solution to help us deal with the problem of illegal immigration.

In my area, as in other areas of the United States, we are built on immigration. It is very, very important. Right now it does not make sense to prevent law enforcement officers from protecting the people of the United States. There are about 700,000 State and local police officers, compared with only about 2,000 Immigration and Customs enforcement officers. Our ICE agents are wonderful, but simply do not have the physical ability to be in every place to work on enforcement all throughout the interior of our country. Our police officers encounter illegal immigrants every day, whether it be through a traffic stop or serving a warrant. It does not make sense to stop them from helping enforce our immigration laws.

This amendment is not only important. Right now it does not make sense to prevent law enforcement officers from protecting the people of the United States. There are about 700,000 State and local police officers, compared with only about 2,000 Immigration and Customs enforcement officers. Our ICE agents are wonderful, but simply do not have the physical ability to be in every place to work on enforcement all throughout the interior of our country. Our police officers encounter illegal immigrants every day, whether it be through a traffic stop or serving a warrant. It does not make sense to stop them from helping enforce our immigration laws.

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citizenship status. Local law enforcement's responsibility is bringing down the crime where they live, and no one wants to hear “I could not get information because I could not talk to the immigrant community.”

Unfortunately, this amendment is some kind of a lie. Law enforcement is blocked by the Constitution and the 10th amendment, and should be defeated.

Madam Chairman, I rise in opposition to the amendment designated as No. 59, offered by the gentleman from Georgia. The gentleman, in 2003, introduced the Clear Law Enforcement Against�Crime and Removal Act (CLEAAR Act, H.R. 2671), and a companion measure was introduced in the other body entitled “the Homeland Security Enhancement Act (S. 1906).” These bills require police to enforce Federal immigration laws, or lose certain Federal funds. If this amendment, based on these bills, is enacted, it would put a puzzle on immigrant crime victims and witnesses, trading their safety for fear, at the expense of everyone who lives near, works with, and is related to the individuals targeted under this legislation.

The proposal would jeopardize public safety

The Norwood amendment would strike a direct blow of police to win the trust and confidence of the communities they serve. If police become immigration agents, word will spread like wildfire among newborn immigrants that any contact with police could mean deportation for themselves or their family members. Immigrants will decline to report crimes or suspicious activity, and criminals will see them as easy prey, making our streets less safe as a result. Experience shows that this fear will extend not only to contact with police, but also to the fire department, hospitals, and the public school system.

The proposal would undermine national security

Security experts and law enforcement agree that good intelligence and strong relationships are the keys to keeping our Nation and our streets safe. Under Amendment No. 59, foreign nationals who might otherwise be helpful to security investigations will be reluctant to come forward, for fear of immigration consequences. If immigrant communities are alienated rather than embraced, local law enforcement loses important relationships that can lead to information they might not otherwise have access to.

The Norwood amendment would weaken an important criminal database

Law enforcement agencies now rely upon the FBI’s National Crime Information Center (NCIC) to get them timely and accurate information on criminals and dangerous people. This legislation would undermine the usefulness of the NCIC by loading it with information about millions of people with minor immigration violations. Poor data management at the former Immigration and Naturalization Service (INS) has resulted in numerous inaccurate records, further complicating matters for police who rely on the integrity of the NCIC. Even if the data was correct upon entry, case statuses often change and would have to somehow be updated in the FBI’s database. This legislation would leave police with false “hits” and unlawful detentions and arrests, wasting precious law enforcement resources.

AMENDMENT NO. 59 PURPORTS BUT IN EFFECT WILL NOT OPERATE TO APPREHEND CRIMINALS

Proponents of this amendment would say that it is necessary to help police deal with the “criminal alien crisis.” They ignore the fact that police already have the authority to arrest criminals, both in enforcing State or local laws and assisting the Federal Government. It is absurd to suggest that foreign nationals are somehow immune from our criminal laws unless this legislation passes, or that police are unable to detain criminals who are also immigration law violators.

Police also help the Federal Government deport criminals who are removable because of their offenses. Those areas of the country that have policies ensuring the confidentiality of crime victims’ and witnesses’ immigration status are also those who call the Federal Government most often to check the immigration status of crime perpetrators. These are often areas with large immigrant populations, so they understand the most effective policing strategies for these communities. They distinguish between the laws and enforcing civil immigration laws—a mandate best left to the Federal agencies who do not also have local crime-fighting responsibilities.

The Norwood amendment leaves police unqualified for the job

Federal immigration law is even more complex than the U.S. tax code and is constantly changing. Immigration agents undergo 17 weeks of intensive training before they are allowed “on the beat,” and they have unfeathered access to case history data maintained by the Federal Government that helps them do their jobs. This amendment would shift what has always been a Federal duty, immigration law enforcement, to the individuals targeted under this legislation because I could not talk to the immigrant community. Unfortunately, this amendment is some kind of a lie. Law enforcement is blocked by the Constitution and the 10th amendment, and should be defeated.

The Senate bill on which the amendment is based includes further provisions that are different than the monetary incentives promised in the House bill and imposing national standards on driver’s licenses issued to foreign nationals. Once again, implementing these complicated standards comes with no new money attached, but would threaten to lose Federal safety funds for those States who do not comply.

PROVISIONS IN CURRENT LAW EXIST FOR AGENCIES THAT WISH TO HELP ENFORCE IMMIGRATION LAW

For those few State or local police agencies who do want to assist the Federal Government in enforcing immigration laws, a mechanism is available for them to do so. Section 287(g) of the immigration code outlines a process whereby State and local governments can enter into agreements with the Federal Government (MOUs, or memorandums of understanding) that permit them to receive training and enforce Federal immigration laws. MOUs are currently in place in Florida and Alabama.

The amendment skews federal law enforcement priorities

When police identify immigration violators, they will have to call the Federal Government to take over. Law enforcement resources at the Federal level are also limited, which is why the Bureau of Immigration and Customs Enforcement (ICE) prioritizes searches for criminals and terrorists over immigrants with civil status violations. Will ICE agents come to collect every undocumented immigrant identified by local police? Amendment No. 59 tries to force them by permitting States and localities to seek funds for every undocumented immigrant the Federal Government fails to pick up. This means ICE has to put the same amount of resources into picking up undocumented immigrants as suspected terrorists. With 8,000,000 undocumented workers in the United States and an infinitely smaller cohort of foreign-born criminals and terrorists, this is hardly the right prioritization of Department of Homeland Security resources.

Making every immigration violation a crime has enormous costs

Many Federal immigration law violations are currently civil in nature. This amendment would classify all immigration status violations as Federal crimes, dramatically increasing the number of people who could be prosecuted, receive court-appointed attorneys, and end up incarcerated through the Federal criminal justice system. The costs would be enormous, and flooding the criminal system with civil violators would further delay justice for victims of real crimes.

The amendment forgets that you can’t tell by looking whether one is legal or not

There are nearly 11,000,000 naturalized U.S. citizens, and more than 25,000,000 native-born Americans of Latin American and Asian descent. In this free nation we are not required to carry “papers” to prove our citizenship, and few of us do. Because police are not equipped to determine who has violated an immigration law, some will inevitably stop and question people of certain ethnic backgrounds, who speak foreign languages, or who have
acents in English. This ill-conceived amendment essentially encourages race- and ethnicity-based profiling.

**AMENDMENT NO. 59 THREATENS CIVIL RIGHTS**

Anticipating the likelihood of civil rights lawsuits spawned by this legislation, the bills purport to grant immunity from civil suits for officers who enforce immigration laws. This sends the wrong message if we are serious about eradicating racial profiling from U.S. law enforcement. Ultimately, police departments and localities gambling on this Congressional gesture would find themselves in court anyway, when the anti-civil rights provisions are challenged.

Madam Chairman, clearly, there are far too many areas of contention with this amendment that, if passed, would prove potentially injurious to citizens and aliens alike. For the reasons stated above, I strongly oppose this amendment and urge my colleagues to join me.

Mr. NORWOOD. Madam Chairman, I yield myself 2 minutes.

In response to the last speaker, number one, the gentleman from Mississippi knew what was needed to be done, and the gentlewoman would have heard about why this is not an unfunded mandate.

Number two, if the gentlewoman believes local law enforcement should not help the Federal Government find terrorists in this Nation, which people who cross our borders illegally they are amongst, I ask the gentlewoman to drop a bill so that local law enforcement does not help the Federal Government enforce immigration laws, and drug enforcement and everything else that local law enforcement helps the Federal Government do.

It is ridiculous to say that the 750,000 local law enforcement people should not be involved in this Nation trying to find some of the people who, for example, committed terror in this country on 9/11.

Yesterday we passed over $4.5 billion for homeland security, including $690 million for custody management, funds to dramatically increase detention bed space, $88 million for an institutional removal program, $211 million for transportation and removal of undocumented aliens, and an earlier amendment today authorized another $60 million to help willing State and local law enforcement. There is also $6 billion in the pipeline for first responders. Many of them are local law enforcement. And this is voluntary. If the City of Houston does not want to play, they do not have to. Two-thirds of us need our law enforcement people to help us get these terrorists out of this country, and there are somewhere between 10 and 15 million that have come across our borders because we have failed to do anything about it for nonsensical reasons. It is time for this to come to an end.

If Members are for correcting immigration in this country, vote for this. If Members are against immigration corrections and do not think it needs reform, then want an open border, vote against it.

Madam Chairman, I reserve the remainder of my time.

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

I would like to say to my colleague every immigrant is not a terrorist. I would assume that was an error in the gentleman's comment. Of course, there have to be very careful. This is a Federal responsibility. What we are doing is passing that responsibility to State and local law enforcement and not funding the Department that ought to be having the responsibility for immigration. Moreover, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON–Lee).

Ms. JACKSON–Lee of Texas. Madam Chairman, I thank the ranking member; and I have to associate myself with the gentleman's argument.

More importantly the gentleman from Georgia (Mr. NORWOOD) has made, if you will, my very point. Although we disagree, the point is not ridiculous. What we are saying is that he is suggesting local law enforcement massively go to the border and begin to arrest and deport individuals they perceive to be illegal aliens. There lies my angst and opposition to this massively confusing amendment.

The gentleman has in his amendment that local law enforcement, constables and sheriffs, will be responsible for deporting aliens. They do not even have the Federal jurisdiction to do so. By the way, deportation requires Federal immigration court proceedings which you have to go before. Unfortunately, we have short changed that side of the formula.

This is an unworkable amendment. It violates the 10th amendment of the Constitution. It violates the idea of protecting our national security. I ask my colleagues to defeat this amendment and help us do real immigration reform through the Federal Government.

Mr. NORWOOD. Madam Chairman, I yield myself 15 seconds, and say just because you say something is so does not mean it is so. This is a voluntary bill in which nobody is massing anywhere, nor does it imply that anywhere in this bill. It is totally voluntary, and local law enforcement are asked to work in line of duty.

Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. COX) to close the debate for this side.

Mr. COX. Madam Chairman, I think we need to return to the amendment that is before us. There has been a lot of heat and light generated in this debate, but the amendment itself is exceptionaly simple. It begins from the fact that current law provides for the training of State and local law enforcement officials to enforce Federal immigration laws. That is a voluntary program. There is no unfunded mandate in current law because there is no mandate. It is completely voluntary, and only those State and local law enforcement officials, those first responders who are seeking to partner with the Department of Homeland Security in obtaining this Federal training to enforce immigration laws, actually do so.

Second, in an amendment that was adopted earlier by voice vote, we provide Federal voluntary funding to reimburse any costs incurred by State and local governments for training in obtaining the training. So it is not unfunded either. It is a Federal voluntary program.

Lastly, what this amendment adds to existing law is simply to provide a training guide for this training that already exists and training flexibility to make sure that it meets the needs of State and local law enforcement officials.

The last thing it does is it corrects existing law, section 287(g) of the INA to substitute "the Secretary of Homeland Security" for the words "Attorney General." This is something that we did in the technical corrections bill that was unanimously passed by the Select Committee on Homeland Security in the last Congress.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself the balance of my time.

This amendment, although well intended, crosses the line from my standpoint because it moves us away from a Federal responsibility to a State responsibility. This amendment tries to clarify the existing authority of State and local law enforcement personnel to apprehend, detain, remove and transport illegal aliens in the routine course of duty.

Additionally, this amendment requires DHS to establish a training manual on this matter and set forth simple guidelines for making that training available. State and local police already authorized to notify Federal law enforcement officials, are already highly qualified, and are fully trained to identify foreign nationals in custody.

Additionally, training in immigration law is not a simple task. A manual is simply not sufficient to train officers in the complexity of immigration law.

For example, DHS already faces challenges in cross-training its personnel and integrating the various components into a cohesive unit; and, thus, would face challenges in developing a cross-training manual for State and local law enforcement personnel.

So for these reasons, I am in opposition to the amendment.

Mr. NORWOOD. Madam Chairman, will the gentlewoman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Georgia.

It begins from the fact that current law provides for the training of State and local law enforcement officials to enforce Federal immigration laws. That is a voluntary program. There is no unfunded mandate in current law because there is no mandate. It is completely voluntary, and only those State and local law enforcement officials, those first responders who are seeking to partner with the Department of Homeland Security in obtaining this Federal training to enforce immigration laws, actually do so.

Second, in an amendment that was adopted earlier by voice vote, we provide Federal voluntary funding to reimburse any costs incurred by State and local governments who volunteer for this training, in obtaining the training. So it is not unfunded either. It is a Federal voluntary program.

Lastly, what this amendment adds to existing law is simply to provide a training guide for this training that already exists and training flexibility to make sure that it meets the needs of State and local law enforcement officials.

The last thing it does is it corrects existing law, section 287(g) of the INA to substitute "the Secretary of Homeland Security" for the words "Attorney General." This is something that we did in the technical corrections bill that was unanimously passed by the Select Committee on Homeland Security in the last Congress.
NORWOOD. This amendment would essentially force local law enforcement agencies to enforce federal immigration laws.

The enactment of this amendment would strain already scarce state and local resources by creating an unfunded mandate, in addition to diverting cops around the country.

Coercing state and local police into becoming federal immigration agents does not benefit anyone involved. In addition to their other duties, local law enforcement officials and local and state administrators would be bogged down by determining criminal’s immigration status. Community members will be hesitant to cooperate with local law enforcement for fear of ramifications against them and their family.

According to the Department of Justice statistics, violent and property crime rates have been falling steadily for at least the last 10 years. I have no doubt that this is largely due to community policing. This amendment would take away that idea. Our communities are better served by a police force that focuses on robbers, murderers and terrorists, as opposed to immigration status.

I do not support illegal immigration and believe that anyone who enters the U.S. in violation of U.S. immigration laws should be penalized. I am concerned that we would be arresting drug dealers and breaking up gang activities should now be federally mandated to track down illegal aliens.

To me, this amendment is another example of the desperate need for an honest and comprehensive debate on immigration law in this country. Piecemeal ideas, such as this one, are detrimental to our communities at a microlevel. Our country is in need of an immigration policy that accounts for the fears 9/11 instilled and addition to the hope that immigrants bring to our nation.

This amendment is ineffective and unnecessary policy and I urge my colleagues to cast a “no” vote.

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

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

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

Mr. THOMPSON of Mississippi. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) will be in order.

It is now in order to consider amendment No. 19 printed in part B of House Report 109-84.

There is no designee for amendment No. 19.

It is now in order to consider amendment No. 20 printed in part B of House Report 109-84.

Amendment No. 20 Offered by Ms. JACKSON-LEE of Texas

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

The Acting CHAIRMAN (Mrs. CAPITO). The Clerk will designate the amendment.
not have the right documents on him but be a naturalized citizen or be here under some kind of temporary visa that he cannot show the police. It will all of a sudden give thousands and thousands of law enforcement officials an anatomy.

Mr. HAYWORTH. Madam Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Madam Chairman, I just want to point out to the ranking member that we shall be voting on this debating off saying there was a drafting error and we wanted to remove two words: “or remove.” Your side would not allow that to be removed. That would have solved the problem. We are going to get it solved even if it is in conference. We are going to get it done despite you, but we gave you the opportunity to do something about it.

Mr. HAYWORTH. Madam Chairman, I yield myself 3½ minutes.

I want to address to the amendment offered by my colleague from Texas. As you heard in her opening remarks, sadly, this amendment is an attempt to discredit worthy, non-violent volunteers who dedicated their time and their energy to protect our Nation’s southern border. The Minuteman Project, Madam Chairman, is simply an outgrowth of the public’s frustration with the Federal Government’s failure to secure our borders. Indeed, what the Minutemen did was follow the long-honored tradition of petitioning our government for legitimate redress of grievance.

It is true that in terms of the political landscape, the ACLU and the Government of Mexico protested the group even before the patrol began; but the Minutemen effectively shut down a 20-mile stretch of border without a single credible report of violence committed by those citizen volunteers.

With reference to the notion of a study commissioned by the House, I would simply say this: the records are intact. I will make them a part of the record right now. Attacks on border patrol agents by alien and drug smugglers are on the rise. In the Tucson sector alone during the first 6 months of this fiscal year, there were reported 132 assaults on agents, 14 more than all of last year. That is in the first 6 months of the fiscal year. Border patrol agents in Arizona are attacked once every 2 days, 64 times in a recent 3-month period.

Sixty agents assigned to the Tucson sector have been killed in the line of duty, including a 27-year-old agent fatally shot in June of 1998 near Nogales as he sought to arrest four men hauling marijuana into the United States. When I had occasion to visit with border patrol agents in March, they told me how snipers from the Mexican side of the border will actually shoot border patrol vehicle windshields out if the Mexican snipers deem those vehicles are parked too close to the border.

In 2004, border patrol agents arrested over 650 suspected terrorists. Madam Chairman, let me repeat that. In 2004, border patrol agents arrested over 650 suspected terrorists from countries of national security interest trying to cross our southern border. They expect the number will rise this year. In January of this year, border patrol in the Tucson sector impounded 557 smuggling vehicles, almost 35,000 pounds of marijuana, and 35,704 illegal aliens.

This amendment fails to address the violent attacks on our border patrol agents. It implies that citizens of the United States working redress Unit and putting an end to the influx of terrorists and the illegal invasion of this country are wrong. The committees on Homeland Security and the Judiciary oppose this amendment. I urge my colleagues to vote “no” on the Jackson-Lee amendment.

Madam Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Chairman, illegal immigration costs this Nation $58 billion per year. That is not million; that is billion. This study changes the focus of the Department of Homeland Security. The Department of Homeland Security needs to be focusing on keeping the nation safe and not primarily on the security of our own citizens. In short, Madam Chairman, the Minutemen who performed a tremendous neighborhood watch function on our southern borders need to be commended and not slapped by an amendment like this.

Mr. HAYWORTH. Madam Chairman, I yield myself the balance of my time to make this point to my colleagues. I am sure it is not the intent of my colleague from Texas to try and imply that citizens engaged in lawful protest are somehow attempting to inspire violent acts. I know that is not the intent of my colleague. However, that would be the perverse result if this House would support that amendment. This House would then be on record saying that the lawful rights of citizens should be abridged to accommodate illegal acts by noncitizens. That is something this House and this government and the citizens of this Nation will not countenance.

Therefore, because of that, I would ask all my colleagues to join me in opposition to the Jackson-Lee amendment. Vote “no.”

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

The premise of that amendment, and given that the appropriations measure has placed spending limitations with respect to national border patrol, it would only be logical and prudent for the authorization measure to clearly define, monitor, and control this issue before it becomes an expenditure.

The purpose of this amendment is to put the American people on notice that the “Minuteman Project” has been proposed to enter multiple borders in order to monitor for illegal border crossings.

American Federation of Government Employees (AFGE) Local No. 3332 and the Association for Residency and Citizenship of America (ARCA) support this important amendment that will prevent impediment to DHS’s border security functions as well as the development and the illegal invasion of this country.

The Minuteman Project has good intentions, but we object to the potential negative social, legal, and economic impact that it can have on our Texas borders. The problem of porousness of the borders is a Federal Government problem. It is a Department of Homeland Security (DHS) problem. DHS has legal jurisdiction over the borders; therefore, it is DHS that must address our border security needs.

An unofficial, untrained, and uncontrolled militia is the wrong answer for a problem that is within the Federal Government’s responsibility. If the job is not being done sufficiently, it is up to Congress and the Executive Branch to exercise oversight and to improve performance.

The Minuteman Project is headed for the Texas borders, and its presence will be the recipe for danger, conflict, and increased legal enforcement costs for the Federal Government. The Houston Chronicle reported on May 12 that the controversial group that began as a month-long engagement along the Arizona border plans to enter Texas to operate its hunt for illegal border crossings.

Other media and eyewitnesses have suggested that many of the participants in the Minuteman Project have carried firearms, incited retaliatory measures by gang members,
incited more groups to organize in a similar fashion along other American borders, and created a situation that suggests potential constraints on the individual civil rights of undocumented persons.

The arrival of this group to Texas is an example of what we feared during its initial engagement during the month of April—propagation in other borders. Empowerment of unofficiated, untrained militia to carry out the functions of the Federal Government instead of simply improving the staffing situation at the Customs and Border Patrol and the Immigration and Customs, and Enforcement Agencies is a dereliction of duty and a condoning of potential vigilantism.

Several differences between the United States border of Arizona and Texas make it potentially injurious for the arrival of the Minutemen. The traffic growth in Texas would dramatically increase the probability of injury or death of aliens or other innocent civilians.

In 2001, U.S. Customs inspectors logged 3,133,619 cargo trucks as they entered Texas border towns from Brownsville to El Paso, up from 1,897,888 commercial vehicles in fiscal year 1995, the year NAFTA took effect. Furthermore, the topography at the Texas borders are more dense and provide more places for people involved in violent disputes to hide. In addition, even as the leader of the Minuteman Project stated to the Houston Chronicle, ‘there are serious logistical problems for patrols in Texas. Most of the land along the Texas border is privately owned, and some of it is urbanized, unlike the open land the group monitored in Arizona.’

What we need instead of a situation of potential violence, violation of civil rights, and costs associated with restoring peace and security at the borders is a comprehensive immigration plan like I proposed with the introduction of my legislation, the ‘Save America Comprehensive Immigration Act, H.R. 2092.’

Effective, efficient, and safe border security requires properly trained personnel. We need to improve our Customs and Border Patrol and Immigration and Customs Enforcement agencies rather than empower militias to do their job. The enforcement job requires accountability, training in the area of human rights, language skills, non-violent restraint techniques handling.

The legal accountability principles such as respondent superior and vicarious liability do not clearly apply to the Minutemen for injuries or damage that may be sustained by the private property owners, the Texas borders; the heavy stream of commerce constantly traversing the border; or innocent bystanders who may be in the wrong place at the wrong time.

The Jackson-Lee amendment seeks to prevent liability “powder kegs” from propagating nationally.

Madam Chairman, I ask that my colleagues support this amendment.

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

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed. It is now in order to consider amendment No. 21 printed in part B of House Report 109-84.

AMENDMENT NO. 21 OFFERED BY MR. MANZULLO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 21 offered by Mr. MANZULLO.

At the end of title V, add the following new section:

SS. 509. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), more than 50 percent of the components in any end product procured by the Department of Homeland Security that contains components shall be mined, produced, or manufactured inside the United States.

(b) AGREEMENTS DESCRIBED.—An agreement referred to in subsection (a) is any of the following:

(1) Any reciprocal procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Homeland Security has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

(2) Any international agreement to which the United States is a party.

The Acting CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

My amendment strengthens the Buy American Act to the original intent that more than 50 percent of the components in end products purchased by the Department of Homeland Security shall be mined, produced, or manufactured inside the United States.

The Buy American Act originally passed Congress during the Great Depression. The intent of Congress was that to qualify under the Buy American Act, a company had to have substantially all of a product made, grown, or mined in the U.S. However, regulations implementing the Buy American Act have subsequently redefined “substantially all” to mean simply greater than 50 percent.

Yet even that regulation has been weakened even further over the years. The Pentagon has used the public interest exception to waive the Buy American Act to treat the purchase of some foreign goods as if they were made in America. The original intent of the Buy American Act has been undermined by procurement memoranda of understanding between the U.S. and various foreign countries that permit the substitution of foreign components for components mined, produced, or manufactured inside the United States. These are not treaties or trade agreements approved by Congress. These were executive branch agreements not subject to review by Congress.

Thus, the Buy American laws are basically worthless. There are so many holes in that law that if one of those things when a company says they comply with the Buy American Act. The exception, and it is a big one, is that the domestic content requirement does not have to be met if the items are procured from certain designated foreign countries.

The Pentagon has memoranda of understanding with 21 developed countries that waive the Buy American Act because the Defense Department has determined that for these countries complying with the Buy American Act is “inconsistent with the public interest.”

Basically, a company getting an award from the Pentagon can claim compliance with the Buy American Act without having to actually make anything in the United States as long as the components come from one of those 21 countries. Because the Department of Homeland Security has a very similar mission to the Department of Defense, protecting the territory of the U.S. from every possible enemy attack, we should not allow the D.H.S. to waive the Buy American Act like the Pentagon has done without an affirmative vote by Congress.

The intent of Congress is to maintain the vibrant industrial base so that we may remain the strongest Nation on Earth. Even the founder of modern-day capitalism and free trade, Adam Smith, recognized the need for a nation to be able to depend upon its own industrial and agricultural base and not rely on foreign sources for its defense needs. We cannot maintain our role as global leader on a pure services-based economy.

It is also important to remember that this amendment does not increase the share of the Buy American Act. It simply codifies the content percentage of what is an existing regulation.

Madam Chairman, I urge adoption of this amendment.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, this amendment would radically change the current application of the Buy American Act, and it could place the United States in violation of most international trade agreements in which we are signatories, including the World Trade Organization’s Government Procurement Agreement, something, by the way, we are working to get China to sign right now. In some of the exceptions they are putting on their procurement policy; the North American Free Trade Agreement; the U.S.-Israel Free Trade Agreement.
Agreement; and the U.S.-Australia Free Trade agreement.

This restriction would have a devastating effect on the Department of Homeland Security’s ability to buy the most high-tech and sophisticated products. The Agusta-Westland company, to support our critical anti-terror efforts. We should be able to get the best high-technology goods at the lowest cost for the American taxpayer so that we can fight this war on terrorism in a cost-effective manner.

Furthermore, this amendment would sweep away the current $175,000 ceiling for the Buy American Act required for the application with the Trade Agreements Act of 1979. This is the basis for our participation in the Government Procurement Agreement.

The restriction would cause Customs and border protection problems in purchasing the best aircraft, the best camera equipment, the best surveillance equipment from the world market to protect our homeland. Further, the amendment would interfere with critical research and development agreements we currently have with the United Kingdom. BlackBerrys, something that most Members use and are used by our government, are a Canadian product. Thirty, 40 percent of its components are made and manufactured in the United States, but they would be subject to restrictions put on by this amendment.

These components already challenged to compete in a global marketplace. We do not always have a competitive advantage. But dismantling the regime of free trade agreements that help create and support the vibrant world marketplace in the end only hurts American workers.

Besides violating our trade agreements, this provision will require the Department to pay an artificially high price for products it needs to protect us against terrorist threats. Further, the amendment would interfere with critical research and development agreements we currently have with the United Kingdom. Given that most Members use and are used by our government, are a Canadian product. Thirty, 40 percent of its components are made and manufactured in the United States. But they would be subject to restrictions put on by this amendment.

The amendment would rise the effective cost for products we need to our homeland. This increased restriction on the Department’s ability to obtain needed technology from the world market is a Cold War anachronism. Given the Department of Homeland Security’s growing needs for information technology and other advanced products and the current global nature of the industry, the Department’s ability to fulfill its critical anti-terror mission will be crippled by this restrictive provision.

I urge you to vote against this amendment. I urge that Members have the sense to vote against this, and I urge that we defeat this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MANZULLO. Madam Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

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

I rise in support of his amendment.

As the Honourable member, let me tell the Members what is happening. In the Department of Homeland Security, they are not allowed to buy civilian aircraft. What happened just recently was Eurocopter, which is subsidized by the French and German governments, that is a subsidy. That is in violation of the trade agreements, and no one is enforcing it. As a result, in my district, Enstrom Helicopter lost a contract to build civilian helicopters for the Department of Homeland Security, and the cost for the French/German conglomerate was like $23 million more; so it is costing taxpayers more money.

I think we have to make a decision in this Nation. Are we going to continue in these trade agreements that are not enforced? There are other countries that are subsidizing their workers, and we sit here and we develop contracts and say because of this treaty or this agreement, we cannot do it; but yet we do it, but we just hide it, and that is what we are really doing is telling the Department of Homeland Security, at least in the helicopter industry, that we will buy European helicopters as opposed to U.S. helicopters.

We can no longer continue this. Please support the Manzullo amendment.

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

Let me just say that what this amendment will require us to do with precious Homeland Security dollars is pay up to 50 percent more for goods that are not American. And in many cases cost us access to the best high-technology surveillance equipment, lab equipment, and cameras to protect our borders. I just do not think it makes any sense in this environment of a global economy, and I urge its defeat.

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

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

The gentleman from Virginia (Mr. TOM DAVIS) argues that the best technology is outside the United States. The whole purpose of this amendment is to try to do something about the 3 million manufacturing jobs we have lost in the past several years. This simply says whenever anybody agrees to abide by the Buy American Act, at least buy 50 percent of the content from America. The existing Buy American Act says they have to buy zero. Congress passed a law that says buy everything from America. The Department of Defense and other agencies say that only means 50 percent. Now there is a memorandum of understanding from the White House that says, by the way, if they buy from the 21 countries, they do not even need to meet the 50 percent.

This is very simple. It says if we want to keep technology in the United States, then buy the technology that is from the particular item has to be purchased and it is not made in the United States, then the Buy American Act simply does not apply.

This is a commonsense amendment. I am going to be offering it to every single authorization bill that I can, and I would urge Members to vote “aye” on this.

The Acting CHAIRMAN (Mrs. CAPITTO). All time for debate has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in part B of House Report 109-84.

AMENDMENT NO. 22 OFFERED BY MR. PUTNAM

Mr. PUTNAM. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 22 offered by Mr. PUTNAM:
A gentleman from Palm Bay, Florida, died of lung cancer 6 days before Hurricane Frances made landfall. The gentleman was buried before the hurricane made landfall. His widow said that FEMA damage inspectors came to her home and suggested she might qualify for funeral assistance. She said that she did not think her husband’s death was related to Hurricane Frances. She had her husband’s funeral paid for by the American taxpayers.

The Inspector General in the Department of Homeland Security with a report that came out today echoed these concerns and called for two specific changes: a change that the Department should develop specific criteria and guidelines for determining if a death is disaster-related, and a specific requirement that staff of FEMA provide for an analysis of each request for funeral expense assistance. This is an issue that is hugely important to local communities to eliminate waste, fraud, and abuse and allow FEMA’s limited resources to go to those who are truly in need.

We had offered a different approach to this as it related to medical examiners. With the work of the gentleman from Pennsylvania (Chairman SHUSTER), we were able to come to a resolution on the appropriate legislative language that solves this issue, and I am grateful to him for his leadership. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

The Deputy CHAIRMAN. Madam Chairman, I appreciate the gentleman’s working with us to modify language on his amendment. I think all of us know and know specifically as I travel to Florida to review some of the damage and some of the problems that occurred during these hurricanes and with FEMA coming down there and things they did and did not do, I know firsthand that there are problems and we need to make these types of corrections.

I think the gentleman’s amendment, by modifying it, has strengthened the language and put into law not just a process or a regulation by FEMA but these are going to be standards that FEMA is going to need to adhere to when they are determining whom to pay funeral expenses to, those who deserve and those who do not deserve. And we heard of cases, a couple of hundred of them in Florida where there was fraud, abuse, and they got funds to pay for funeral expenses; and I think this language is going to go a long way to making sure that that does not happen, not only in Florida but across this country.
of Counternarcotics Enforcement for one year for fiscal year 2006. In other words, it just inserts 2006 after 2005.

This office was created structurally as part of the Intelligence Reform and Terrorism Prevention Act in December of 2004. That in part because almost all the major interagency documents, Coast Guard, Border Patrol, and Legacy Customs, are inside Homeland Security. When you are pursuing international terrorists, you are going to pick up a share of narcotics as a collateral. So we need to stay focused. We need to understand that the drug criminal organization is part of the Department of Homeland Security. Detailees are wonderful, but we have to be an office with some real staff, real resources, and people who are assigned for short periods who may or may not know the issue, and a head of the office who is not even paid by the Department of Homeland Security.

It shows that this is a continual battle in multiple bills to make sure that narcotics is part of the structural part of the Department of Homeland Security, and that counternarcotics is part of international terrorism. This amendment merely extends what we have already passed in this House for last year’s authorization to the next year’s authorization that says that up to $6 million can be spent in this office.

I am looking forward to the commitment from the gentleman from Kentucky (Chairman ROGERS) to make sure some of this money is, in fact, expended.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to this amendment?

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

Madam Chairman, I believe this is a noncontroversial amendment. I know the gentleman from Maryland (Mr. CUMMINGS), the ranking member of my subcommittee, has been very supportive of this. So we have worked together in a bipartisan way; make sure that this office is a real office, it has a real voice, it has real money, and I look forward to working with the appropriators to help make this happen.

Madam Chairman, this amendment would simply extend the authorized appropriation for the Department of Homeland Security Office of Counternarcotics Enforcement (OCNE) for fiscal year 2006. The Office was created by Congress in December 2004, as part of the Intelligence Reform and Terrorism Prevention Act (P.L. 108–458). The Office is tasked with oversight of all of DHS’s drug interdiction activities, with reporting to Congress on the adequacy and success of those activities, and with facilitating the coordination of those activities. Section 7407(c) of the Intelligence Reform Act authorized up to $6 million of the Department’s appropriation for departmental management and operations for fiscal year 2005 to be expended for the Office.

Despite this clear statement of Congressional intent, President Bush’s overall budget, ONDCP’s Drug Strategy Report, and ONDCP’s Drug Budget strategy summary make no mention of the OCNE. This raises the question of whether the Administration and DHS intend to establish OCNE and drug control as a priority.

The mission of the office remains just as important this year as last year. My amendment would therefore extend the current authorization of appropriations for the Office (contained in Section 7407(c) of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108–458) through fiscal year 2006.

Madam Chairman, I believe that if we are going to reauthorize DHS for fiscal year 2006, we should reauthorize the appropriation for this vital DHS component as well. It is my understanding that the Chairman of the Appropriations Committee, Mr. Cox, agrees with me, and is supporting this amendment. I hope that the other members of the House will join me in supporting this amendment, and H.R. 1817.

BACKGROUND ON THE DEPARTMENT OF HOMELAND SECURITY COUNTERNARCOTICS ENFORCEMENT (OCNE)

To assist DHS in meeting its vital counterdrug responsibilities, Congress originally created the Counternarcotics Officer (CNO) position. Unfortunately, the original law did not clearly define how the CNO was to fulfill those duties, nor did it give the CNO adequate status or resources to fulfill them.

In order to correct these problems, Congress passed the 9/11 Commission’s recommendations legislation in 2004 that replaced the CNO with a new Office of Counternarcotics Enforcement (OCNE).

Responsibilities of the Office of Counternarcotics Enforcement.

The Director of the Office of Counternarcotics Enforcement shall have oversight responsibility for any programs administered by the DHS that coordinate anti-drug activities within the Department or between the Department and other agencies.

The Director of the Office of Counternarcotics Enforcement shall represent the Department on all interagency coordinating committees, task forces, or other bodies intended to foster coordination and cooperation on anti-drug issues.

The Director of the Office of Counternarcotics Enforcement shall send reports to Congress concerning the Department’s counternarcotics responsibilities.

The legislation authorized up to $6 million of the Department’s management funds to be used for the new Office’s budget for fiscal year 2005.

WHY THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT (OCNE) IS NEEDED

A. Connections Between Drugs and Terrorism

The huge profits created by drug trafficking have financed and will continue to finance terrorism throughout the world.

As President Bush noted in December 2002, just a few months after the 9/11 attacks, “[t]he traffic in drugs finances the work of terror, sustaining terrorists . . . terrorists use drug profits to fund their cells to commit acts of murder.”

Furthermore, as the U.S. steps up its efforts against more legitimate sources of funding, terrorist organizations will increasingly turn to drugs and similar illegal sources. As the 9/11 Commission has noted, the federal government, including DHS, must be able to adapt to these shifting strategies of the terrorists.

6. DHS and Drug Enforcement

Strong DHS action against drug trafficking is vital to our overall efforts to stop the financing of terrorist activities. It was for this reason that Congress specifically provided that the primary mission of the Department included the responsibility to “monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking” (6 U.S.C. 111(b)(1)(G)).

DHS combines all of our main drug interdiction agencies, the Coast Guard, legacy Customs Service, and the Border Patrol. No other department has so many of the nation’s “ground troops” who patrol our borders for drugs.

In the many divisions of DHS have a vital counternarcotics mission, none of them is exclusively focused on counternarcotics. In a department whose reason for creation is counterterrorism, there is a risk that the anti-drug mission will be neglected.

The Director of the Office of Counternarcotics Enforcement (OCNE) will help keep DHS subdivisions focused on counternarcotics. He is the only official at DHS whose primary duty is counternarcotics.
SEC. 201. Report on budget request for pro-

TITLE III
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Sec. 301. Land border security strategy.
Sec. 302. Deployment of surveillance sys-
tems along U.S.-Mexico border.
Sec. 303. Creation of northern and southern border coordinators.

Sec. 304. Smart border accord implementa-
tion.
Sec. 305. Requiring a vulnerability assess-
ment of land ports of entry.
Sec. 306. Setting to determine appropriate level and allocation of per-
nsonnel at ports of entry and border patrol sectors.
Sec. 307. Assessment of study by Com-
troller General.
Sec. 308. Authorization of appropriations for in-
crease in full-time Border Pa-
trol agents.
Sec. 309. Border Patrol unit for Virgin I-
lands.
Sec. 310. Requiring report on the “One Face-
the Border Initiative”.
Subtitle B—CIS workflow study
Sec. 311. CIS workflow, technology, and sta-
fing assessment.
Subtitle C—Report on border violence
Sec. 321. Studies related to feasibility and cost of locating and removing eight million undocumented aliens from United States.
Subtitle D—Center of Excellence on Border Security
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SEC. 302. DEPLOYMENT OF SURVEILLANCE SYSTEMS ALONG U.S.-MEXICO BORDER.

(a) INITIAL THREAT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the threat of penetration of the land borders of the United States, between the ports of entry, by terrorists and criminals, and the threat to such areas to terrorist attack. In carrying out the threat assessments under this paragraph, the Secretary shall categorize the vulnerability of each land border corridor within each such category. In carrying out a threat assessment, the Secretary of Homeland Security shall consult with appropriate Federal, tribal, State, local, and private sector representatives.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Homeland Security of the United States House of Representatives a report that contains—

(A) the results of the threat assessments conducted under paragraph (1);

(B) each land border corridor categorized under paragraph (1) as either a “high,” “medium,” or “low” land border corridor, descriptions of—

(i) infrastructure and technology improvement projects required for each land border corridor in order to reduce its vulnerability; and

(ii) the resources required to make such improvements; and

(C) a description of how the funds will be used to implement technology and infrastructure improvement projects.

(b) FOLLOW-UP THREAT ASSESSMENTS.—The Secretary of Homeland Security shall conduct follow-up threat assessments of the land border between the ports of entry over 2 years and shall submit such reports to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) information on the ongoing progress on implementation of the Smart Border Accords through quarterly reports on findings of the Smart Border Working Group.

SEC. 303. CREATION OF NORTHERN AND SOUTHERN BORDER COORDINATORS.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 seq.) is amended—

(1) in section 402, by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following:

“(8) Increasing the security of the United States ports of entry located along the northern and southern borders, and improving the coordination among the agencies responsible for maintaining that security.”; and

(2) in subsection C, by adding at the end the following:

“SEC. 431. BORDER COORDINATORS.

(a) IN GENERAL.—There shall be within the Department of Homeland Security the positions of Northern Border Coordinator and Southern Border Coordinator, who shall be appointed by the Secretary of Homeland Security and shall report directly to the Under Secretary for Border and Transportation Security.

(b) RESPONSIBILITIES.—The Northern Border Coordinator and the Southern Border Coordinator shall undertake the following responsibilities—

(i) serve as the primary official of the Department responsible for coordinating all Federal security activities along the border, especially with respect to crime and terrorism.

(ii) provide enhanced communication and data-sharing between Federal, State, local, and tribal agencies on law enforcement, emergency response, and security-related responsibilities for areas or adjacent to the borders of the United States with Canada or Mexico;

(iii) work to improve the communications systems within the Department to facilitate the integration of communications of matters relating to border security;

(iv) oversee the implementation of the pertinent bilateral agreement (the United States-Canada ‘Smart Border’ Declaration applicable to the northern border and the United States-Mexico Partnership Agreement applicable to the southern border) to improve border functions, ensure security, and promote trade and tourism;

(v) consistent with section 5, assess all land border ports of entry along the appropriate border and develop a list of infrastructure and technology improvement projects for submission to the Congress based on the ability of a project to fulfill immediate security requirements and facilitate trade across the borders of the United States; and

(vi) serve as a liaison to the foreign agencies with responsibility for their respective border with the United States.”

(c) EFFECTIVE DATE.—Section 1(b) of such Act is amended in the table of contents by inserting after the item relating to section 430 the following:

“§ 431. Border coordinators.”

SEC. 304. SMART BORDER ACCORD IMPLEMENTATION.

The President shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) information on the ongoing progress on implementation of the Smart Border Accords through quarterly reports on findings of the Smart Border Working Group.

SEC. 305. REQUIRING A VULNERABILITY ASSESSMENT OF LAND PORTS OF ENTRY.

(a) INITIAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the vulnerability of each United States land port of entry located along the northern and southern borders of the United States by terrorists and criminals or terrorist attack. In carrying out assessments under this paragraph, the Secretary shall categorize the vulnerability of each port of entry as—

(i) high;

(ii) medium; or

(iii) low.

In conducting the assessment, the Secretary shall prioritize the vulnerability of each United States land port of entry that contains—

(A) the results of the assessment conducted pursuant to section 302 (of the Homeland Security Act of 2002 (6 U.S.C. 101)) information on the personnel needs of the Department.

(B) An analysis of the impact of new available technology on staffing requirements of the Bureau.

(C) An analysis of traffic volume and wait times at ports of entry.

(D) An analysis of the training regimen for new officers of the Bureau and inspectors from the former Customs Service and the former Immigration and Naturalization Service and the extent to which the creation of the Bureau’s Officer position has changed the personnel needs of the Department.

(2) ADDITIONAL REQUIREMENT.—Each port director and the head of each border patrol sector shall complete and submit to the Commissioner on an annual basis an assessment of the level and allocation of personnel necessary to carry out the responsibilities of such port director or the head of such border patrol sector, as the case may be.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner shall submit to the Comptroller General and Congress a report that contains the results of the study conducted pursuant to subsection (a).

(2) SUBSEQUENT REPORTS.—The Commissioner shall prepare and submit to the Comptroller General and Congress on not less than an annual basis a report that contains the results of the study conducted pursuant to subsection (a).
Border Protection under section 306 and shall conduct an assessment of each update or revision to the study. In conducting the assessment, the Comptroller General is authorizing to solicit input from any personnel of the Bureau.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report containing the results of each assessment conducted pursuant to subsection (a), including any recommendations thereto that the Comptroller General determines to be appropriate.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS FOR INCREASE IN FULL-TIME BORDER PATROL AGENTS.

(a) INCREASE.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000,000 for fiscal year 2006 to increase by not less than 2,000 the number of positions for full-time active-duty Border Patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for fiscal year 2005.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security $600,000,000 for fiscal year 2006 to pay the costs associated with the new hires described in subsection (a), including—

(1) costs to increase by 166 of the number of support staff positions;
(2) costs to increase by 1,313 in the number of vehicles; and
(3) costs to increase by 1,770 in the number of new agents.

(c) FACILITIES IMPACT ASSESSMENT.—The Secretary of Homeland Security shall conduct a facilities impact assessment and report findings from such assessment, with detailed information to the Congress, on the effect on Homeland Security of the United States of establishing such positions.

SEC. 309. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 310. REQUIRING REPORT ON THE “ONE FACE AT THE BORDER INITIATIVE”.

(a) IN GENERAL.—Not later than September 30 of each of the fiscal years 2005, 2006, and 2007, the Secretary of Homeland Security shall prepare and submit to the Congress a report—

(1) describing and analyzing the goals, success, and shortfalls of the One Face at the Border Initiative at enhancing security and facilitating travel;
(2) providing a breakdown of the number of personnel of the Bureau of Customs and Border Protection that were personnel of the United States Customs Service prior to the establishment of the Department of Homeland Security, that were personnel of the Immigration and Naturalization Service prior to that date, and that were hired after the establishment of the Department of Homeland Security;
(3) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and
(4) outlining the steps taken by the Bureau of Customs and Border Protection to ensure that expertise is retained with respect to customs, immigration, and agriculture inspections under the One Face at the Border Initiative; and

(b) ASSESSMENT OF REPORT.—The Comptroller General of the United States shall review the reports submitted under subsection (a) and shall provide an assessment to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) regarding the effectiveness of the One Face at the Border Initiative.

Title IV—Securing Chemical Plants and Other Critical Infrastructure

Subtitle A—Chemical Security Improvement

SEC. 411. SHORT TITLE.

This subtitle may be cited as the “Chemical Security Improvement Act of 2005”.

SEC. 412. DEFINITIONS.

As used in this Act—

(1) ALTERNATIVE APPROACHES.—The term “alternative approach” means an approach that significantly reduces or eliminates the threat or consequences of an act of terrorism that results from a chemical source, including an approach that—

(A) uses smaller quantities, nonhazardous for the most part, and less hazardous forms of dangerous substances;
(B) replaces a dangerous substance with a nonhazardous or less hazardous substance; or
(C) uses conditions or processes that are less hazardous conditions or processes.

(2) CHEMICAL SOURCE.—The term “chemical source” means a substance present at a chemical source that—

(A) can cause death, injury, or serious adverse effects to human health or the environment;
(B) could harm critical infrastructure or national security;

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(A) uses smaller quantities, nonhazardous for the most part, and less hazardous forms of dangerous substances;
(B) replaces a dangerous substance with a nonhazardous or less hazardous substance; or
(C) uses conditions or processes that are less hazardous conditions or processes.

(3) DANGEROUS SUBSTANCE.—The term “dangerous substance” means a substance present at a chemical source that—

(A) can cause death, injury, or serious adverse effects to human health or the environment;
(B) could harm critical infrastructure or national security;

(4) DEPARTMENT.—The term “Department” means the Department of Homeland Security;

(5) ENVIRONMENT.—The term “environment” means—

(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States; and
(B) other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the

..
United States or under the jurisdiction of the United States.

(6) OWNER OR OPERATOR.—The term ‘‘owner or operator’’ means any person who owns, leases, operates, controls, or supervises a chemical source.

(7) RELEASE.—The term ‘‘release’’ means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous substance or pollutant or contaminant), but excludes—

(A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; and

(B) the normal application of fertilizer or pesticide.

(8) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Homeland Security.

(9) SECURITY MEASURE.—

(A) IN GENERAL.—The term ‘‘security measure’’ means an action carried out to ensure or enhance the security of a chemical source.

(B) INCLUSIONS.—The term ‘‘security measure’’ includes measures such as—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) the protection of the perimeter of the chemical source, including the deployment of armed physical security personnel;

(iv) the installation and operation of intrusion detection sensors;

(v) the implementation of measures to increase computer or computer network security;

(vi) the installation of measures to protect against long-range weapons;

(vii) the implementation of any other security-related measures or the conduct of any similar security-related activity, as determined by the Secretary.

(10) TERRORISM.—The term ‘‘terrorism’’ has the meaning given to that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101). The term ‘‘terrorist release’’ means—

(A) a release from a chemical source into the environment of a dangerous substance that is caused by an act of terrorism; and

(B) the theft of a dangerous substance by a person for off-site release in furtherance of an act of terrorism.

SEC. 413. VULNERABILITY ASSESSMENTS AND SITE SECURITY PLANS.

(a) REQUIREMENT.—

(I) IN GENERAL.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary shall promulgate regulations that—

(A) require the owner or operator of each chemical source included on the list described in subsection (e)(1)—

(i) to conduct an assessment of the vulnerability of the chemical source to a terrorist release; and

(ii) to prepare and implement a site security plan that addresses the results of the vulnerability assessment; and

(B) establish procedures, protocols, and standards for vulnerability assessments and site security plans.

(II) SPECIAL VULNERABILITY ASSESSMENT.—A vulnerability assessment required under the regulations promulgated under paragraph (1) or any assessment determined substantially equivalent by the Secretary under subsection (c) shall include the identification and evaluation of—

(A) critical infrastructures; and

(B) hazards that may result from a terrorist release; and

(III) any other assessment that could be implemented or used by or at the chemical source in the event of a terrorist release; and

(C) provide for the assessment and, as applicable, implementation of alternative approaches in accordance with section 415; and

(D) shall be developed in consultation with local law enforcement, first responders, employees, and local emergency planning committees, as established pursuant to section 301(c) of the Comprehensive Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001(c)).

(3) CONTENTS OF SITE SECURITY PLAN.—A site security plan required under the regulations promulgated under paragraph (1) or any plan submitted to the Secretary under subsection (c)—

(A) shall include security measures to significantly reduce the vulnerability of the chemical source covered by the plan to a terrorist release;

(B) shall describe, at a minimum, particular equipment, plans, and procedures that could be implemented or used by or at the chemical source in the event of a terrorist release;

(C) shall provide for the assessment and, as applicable, implementation of alternative approaches in accordance with section 415; and

(D) shall be developed in consultation with local law enforcement, first responders, employees, and local emergency planning committees, as established pursuant to section 301(c) of the Comprehensive Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001(c)).

(4) SECURITY EXERCISES.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary shall promulgate regulations establishing procedures, protocols, and standards for the conduct of security exercises, including—

(A) the performance of force-on-force exercises that—

(i) involve physical security personnel employed by the owner or operator of the chemical source to act as the force designated to defend the facility;

(ii) involve personnel designated by the Secretary to act as the force designated to simulate a terrorist attempt to attack the chemical source to cause a terrorist release; and

(iii) are witnessed, and evaluated, by the Department; and

(iv) are conducted at least once every 3 years; and

(B) the performance of all other such exercises at periodic intervals necessary to ensure the optimal performance of security measures.

(b) GUIDANCE TO SMALL BUSINESSES.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall provide guidance to assist small businesses in complying with paragraphs (2) and (3).
presentation of credentials, may at reasonable times seek access to and copy any documentation necessary for—

(i) review or analysis of a vulnerability assessment or site security plan; or

(ii) implementation of a site security plan.

(D) COMPLIANCE.—If the Secretary determines that an owner or operator of a chemical source is maintaining, producing, or permitting access to the premises of a chemical source or records as required by this section, the Secretary may issue an order requiring compliance with the relevant provisions of this section.

(E) QUALIFIED THIRD-PARTY AUDITS.—The Secretary shall establish standards as to the qualifications of third-party auditors. Such standards shall ensure the qualifications of the third-party auditor provide sufficient expertise—

(i) chemical site security vulnerabilities;

(ii) chemical site security measures;

(iii) alternative approaches; and

(iv) such other areas as the Secretary determines to be appropriate and necessary.

(4) SUBMISSION OF CHANGES.—The owner or operator of a chemical source shall provide to the Secretary a description of any significant change that is made to the vulnerability assessment or site security plan required for the chemical source under this section no later than 90 days after the date the change is made.

(c) EXISTING VULNERABILITY ASSESSMENTS AND SECURITY PLANS.—Upon submission of a petition by an owner or operator of a chemical source to the Secretary in conjunction with a submission under subsection (b)(2)(A), the Secretary—

(i) may endorse an existing vulnerability assessment or security plan—

(A) that was conducted, developed, or required by—

(1) industry;

(2) State or local authorities; or

(3) other applicable law; and

(B) that was conducted before, on, or after the date of enactment of this subtitle; and

(ii) the contents of which the Secretary determines meet the standards established under the requirements of subsections (a)(1), (a)(2), and (a)(3); and

(ii) may make an endorsement of an existing vulnerability assessment or security plan under paragraph (1); or

(iii) update the list as appropriate.

(5) FUTURE DETERMINATIONS.—Not later than 3 years after the date of the promulgation of a final rule on requirements under subsection (a)(1), and every 3 years thereafter, the Secretary shall, after considering the criteria described in subsection (d)(1)(A), determine whether additional facilities (including, as of the date of the determination, facilities that are operational and facilities that will become operational in the future) shall be considered to be a chemical source under this subtitle;

(B) determine whether any chemical source identified on the most recent list under paragraph (1) no longer presents a risk sufficient to justify retention of classification as a chemical source under this subtitle; and

(C) update the list as appropriate.

(6) 5-YEAR REVIEW.—Not later than 5 years after the date of the certification of a vulnerability assessment and a site security plan under subsection (b)(1), and not less often than every 5 years thereafter (or on such shorter time as the Secretary may establish by regulation), the owner or operator of the chemical source covered by the vulnerability assessment or site security plan shall—

(1) ensure the vulnerability assessment and site security plan meet the most recent regulatory standards issued under subsection (a)(1);

(2) (A) certify to the Secretary that the chemical source has completed the review and implemented any modifications to the site security plan; and

(B) submit to the Secretary a description of any changes to the vulnerability assessment or site security plan; and

(3) submit to the Secretary a new assessment of alternative approaches.

(g) PROTECTION OF INFORMATION.—

(1) CRITICAL INFRASTRUCTURE INFORMATION.—Except with respect to certifications specified in subsection (a)(2), any information obtained in a vulnerability assessment and site security plans obtained in accordance with this subtitle, and all information derived from those vulnerability assessments and site security plans that could pose a risk to a particular chemical source, when the information or assessment is evidence of government, owner or operator, or employee activities that threaten the security of a chemical source or are inconsistent with the requirements of this subtitle.

(2) EXCEPTIONS TO PENALTIES.

(a) IN GENERAL.—No person employed at a chemical source may be discharged, demoted, suspended, threatened, harassed, or otherwise treated because of any lawful act done by the person—

(1) to provide information, cause information to be provided, or in any other way participate in an investigation regarding any conduct which the person reasonably believes constitutes a violation of any law, rule or regulation relating to the security of the chemical source, or any other threat to the security of the chemical source, when the information or assistance is provided to or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) any member or committee of the Congress; or

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

(ii) file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule or regulation related to the security of a chemical source or any other threat to the security of a chemical source; or

(iii) refuse to violate or assist in the violation of any law, rule, or regulation related to the security of chemical sources.

(b) ENFORCEMENT ACTION.—

(i) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

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

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

(ii) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed by the rules and procedures set forth in section 42121(b) of title 49, United States Code.

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

(c) PERSONAL INJURY.—A person injured by a violation of any law, rule, or regulation relating to the security of a chemical source may be discharged, demoted, suspended, threatened, harassed, or otherwise treated because of any lawful act done by the person—

(1) to provide information, cause information to be provided, or otherwise participate in an investigation regarding any conduct which the person believes constitutes a violation of any law, rule, or regulation relating to the security of the chemical source, or any other threat to the security of the chemical source, when the information or assistance is provided to or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) any member or committee of the Congress; or

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

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule or regulation related to the security of a chemical source or any other threat to the security of a chemical source; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation related to the security of chemical sources.

(d) REMEDIES.

(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed by the rules and procedures set forth in section 42121(b) of title 49, United States Code.

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

(C) TERMINATION.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b)(2) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

(g) PROTECTION OF INFORMATION.—

(1) IN GENERAL.—A person prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the person whole.

(b) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

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

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

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

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

SEC. 415. ALTERNATIVE APPROACHES.

(a) ASSESSMENT.—

(1) IN GENERAL.—A site security plan under section 413(a)(1) shall provide for the conduct of an assessment of alternative approaches.

(2) INCLUSIONS.—An assessment under this subsection shall include information on—

(A) the nature of each alternative approach considered, such as—

(i) the quantity of each dangerous substance considered for reduction; or

(ii) the form of any dangerous substance considered for replacement and the form of potential replacements considered;

(B) the threat or consequence of a terrorist attack considered could potentially reduce the threat or consequence of a terrorist release; and

(C) specific considerations that led to the implementation or rejection of each alternative approach, including—

(i) cost;

(ii) any dangerous substance considered for replacement and a description of any potential replacements considered; and

(iii) cost savings;

(iv) availability of replacement or modification technology to the chemical source; and

(v) any other factor that the owner or operator of the chemical source considered in judging the practicability of each alternative approach.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—A chemical source described in paragraph (2) shall implement options to significantly reduce or eliminate the threat or consequences of a terrorist release through the use of alternative approaches that would not create an equal or greater risk to human health or the environment.

(2) APPLICABILITY.—This subsection applies to a chemical source if—

(A) the chemical source poses a potential of harm to more than 15,000 people, unless the owner or operator of the chemical source can demonstrate to the Secretary through an assessment of alternative approaches that available alternative approaches—

(i) would not significantly reduce the number of people at risk of death, injury, or serious adverse effects resulting from a terrorist release; and

(ii) cannot feasibly be incorporated into the operation of the chemical source; or

(B) the chemical source poses a potential of harm to fewer than 15,000 people, and

(ii) implementation of options to significantly reduce the threat or consequence of a terrorist attack considered could potentially reduce the threat or consequence of a terrorist release through the use of alternative approaches that would not create an equal or greater risk to human health or the environment.

(c) ALTERNATIVE APPROACHES CLEARINGHOUSE.—

(1) AUTHORITY.—The Secretary shall establish a publicly available clearinghouse to compile, evaluate, and disseminate information on the use and availability of alternative approaches.

(2) INCLUSIONS.—The clearinghouse shall include—

(A) a general and specific types of alternative approaches;

(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which alternative approaches could be appropriate; and

(C) the costs and cost savings resulting from alternative approaches; and

(D) technologies for improving the inherent safety and security of United States chemical manufacturing, transportation, and use sites and infrastructure against the threat of terrorism; and

(E) methods for assessing the degree of inherent safety of chemical technologies, practices, and other means to improve risk management for critical infrastructure protection; and

(F) progress and directions in research in chemical sciences and technology that may provide new technologies, practices, strategies, and other means to improve inherent safety and security.

(d) REPORT.—

(1) IN GENERAL.—The arrangement entered into under paragraph (A) shall provide that the National Academy of Sciences shall submit to the Secretary a final report on the study conducted under subparagraph (A) by no later than 18 months after a contract for the arrangement is signed.

(2) RECOMMENDATIONS.—The report under this subparagraph shall include such recommendations regarding government and private sector practices to encourage the adoption of currently available inherently safer chemical technologies and strategies to reduce the vulnerabilities of existing and future chemical manufacturing, transportation, and use sites and infrastructure, and any research directions in green chemistry and chemical engineering that would lead to inherently more secure, safe, and economically viable chemical production processes, as the Academy determines appropriate.

(e) TRANSMISSION TO CONGRESS.—The Secretary shall promptly transmit a copy of the report under paragraph (d) to Congress and make the report available to the public.

SEC. 416. ENFORCEMENT.

(a) FAILURE TO COMPLY.—If an owner or operator of a non-Federal chemical source fails to certify or submit a vulnerability assessment or site security plan in accordance with this subtitle, or the Secretary may issue an order requiring the certification and submission of a vulnerability assessment or site security plan in accordance with section 413(b).

(b) DISAPPROVAL.—The Secretary may disapprove a vulnerability assessment or site security plan submitted under section 413(b) or (c) if the Secretary determines that—

(1) the vulnerability assessment or site security plan does not comply with regulations promulgated under section 413(a)(1), or the procedure, protocol, or standard endorsed or required under section 413(c); or

(2) the site security plan, or the implementation of the site security plan, is insufficient to address—

(A) the results of a vulnerability assessment of a chemical source; or

(B) a threat of a terrorist release.

(c) COMPLIANCE.—If the Secretary disapproves a vulnerability assessment or site security plan of a chemical source under subsection (b), the Secretary shall—

(1) provide the owner or operator of the chemical source a written notification of the determination that includes a clear explanation of deficiencies in the vulnerability assessment, site security plan, or implementation of the assessment or plan; and

(2) consult with the owner or operator of the chemical source to identify appropriate steps to achieve compliance.

(d) PROTECTION OF INFORMATION.—Any determination of disapproval or order made or issued under this section shall be exempt from disclosure—

(1) under section 552 of title 5, United States Code;

(2) under any State or local law providing for public access to information; and

(3) except as provided in section 413(c)(2), in any Federal or State civil or administrative proceeding.

SEC. 417. INTRAGENCY TECHNICAL SUPPORT AND COOPERATION.

The Secretary—

(1) in addition to such consultation as is required in this subtitle shall consult with Federal agencies with relevant expertise, and may request those Federal agencies to provide technical and analytical support, in implementing this subtitle; and

(2) may provide reimbursement for such technical and analytical support received as the Secretary determines to be appropriate.

SEC. 418. PENALTIES.

(a) JUDICIAL RELIEF.—In a civil action brought in United States district court, any owner or operator of a chemical source that violates or fails to comply with any order issued by the Secretary under this subtitle or a site security plan submitted to the Secretary under this subtitle or recognized by the Secretary for which the violation occurs or the failure to comply continues, may be subject to—

(1) an order for injunctive relief; and

(2) a civil penalty of not more than $50,000 for each violation.

(b) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—The Secretary may issue an administrative penalty of not more than $50,000 for each violation or failure to comply with an order issued by the Secretary under this subtitle.
SEC. 419. PROTECTION OF INFORMATION.

(a) DEFINITION OF PROTECTED INFORMATION.—

(1) In general.—In this section, the term ‘‘protected information’’ means—

(A) a vulnerability assessment or site security plan required by subsection (a) or (b) of section 413;

(B) any study, analysis, or other document generated by the creator or operator of a chemical source primarily for the purpose of preparing a vulnerability assessment or site security plan (including any other approach analysis); or

(C) any other information provided to or obtained or obtained by the Secretary solely for this subsection from the owner or operator of a chemical source that, if released, is reasonably likely to increase the probability or consequences of a terrorist release.

(2) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section affects—

(A) the handling, treatment, or disclosure of information obtained from a chemical source under any other law;

(B) any obligation of the owner or operator of a chemical source to submit or make available information to a Federal, State, or local government agency under, or otherwise to comply with, any other law; or

(C) the public disclosure of information derived from protected information, so long as the information disclosed—

(i) would not divulge methods or processes entitled to protection as trade secrets in accordance with the purposes of section 1905 of title 18, United States Code;

(ii) does not identify any particular chemical source; and

(iii) is not reasonably likely to increase the probability or consequences of a terrorist release, even if the same information is also contained in a document referred to in paragraph (1).

(b) DISCLOSURE EXEMPTION.—Protected information shall be exempt from disclosure under—

(1) section 552 of title 5, United States Code; and

(2) any State or local law providing for public access to information.

(c) RULE OF CONSTRUCTION.—Subsection (b) shall not be construed to apply to a certificated plan (including a determination of noncompliance under clause (ii) or (iii), respectively, of section 413(b)(2)(B).

SEC. 420. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this subtitle affects any duty or other requirement imposed under any other Federal or State law.

Subtitle B—Critical Infrastructure

Prioritization

SEC. 421. CRITICAL INFRASTRUCTURE PRIORITIZATION.

(a) COMPLETION OF PRIORITIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the prioritization of the Nation’s critical infrastructure according to the following:

(1) The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department regarding the intentions and capabilities of terrorist groups and other potential threats to the Nation’s critical infrastructure.

(2) The likelihood that an attack would cause the destruction or significant disruption of such infrastructure.

(3) The likelihood that an attack would result in substantial numbers of deaths and serious bodily injuries, a substantial adverse impact on the national economy, or a substantial disruption of critical federal activities.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate.

SEC. 422. SECURITY REVIEW.

(a) REQUIREMENT.—Not later than 9 months after the date of the enactment of this Act, the Secretary, in coordination with other relevant Federal agencies, State, local, and tribal governments, and the private sector, as appropriate, shall—

(I) review existing Federal, State, local, tribal, and private sector plans for securing the critical infrastructure included in the prioritization under section 421;

(2) recommend changes to existing plans for securing such infrastructure, as the Secretary determines necessary; and

(3) coordinate to protective efforts of other Federal, State, local, and tribal agencies and the private sector, as appropriate, as directed in Homeland Security Presidential Directive 7.

(b) CONTENTS OF PLANS.—The recommendations made under subsection (a)(2) shall include—

(I) necessary protective measures to secure such infrastructure, including milestones and timeframes for implementation; and

(II) to the extent practicable, performance metrics to be used in both national and regional security and the Nation’s economy from the implementation of such protective measures.

SEC. 423. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security of each House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of section 422. Such report shall contain—

(I) the Secretary’s review and coordination of security plans under section 422; and

(II) the Secretary’s oversight of the execution and enforcement of plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update of such report to the congressional committees described in subsection (a).

TITLE V—SECURING AIRPORTS, BAGGAGE, AND AIR CARGO

Subtitle A—Prohibition Against Increase in Security Service Fees

SEC. 501. PROHIBITION AGAINST INCREASE IN SECURITY SERVICE FEES.

None of the funds authorized under this Act may be derived from an increase in security service fees published under section 44940 of title 49, United States Code.

Subtitle B—Aviation Security

SEC. 511. FEDERAL FLIGHT DECK OFFICERS.

(a) TRAINING, SUPERVISION, AND EQUIPMENT.—Section 44921(c) of title 49, United States Code, is amended by adding at the end the following:

‘‘(3) DATES OF TRAINING.—The Secretary shall establish a program to allow pilots who are eligible to receive requalification and recurrent training.

(b) REVOCATION AND RECURRENT TRAINING.—

‘‘(A) STANDARDS.—The Secretary shall establish qualification standards for facilities that provide Federal flight deck officer training.

‘‘(B) LOCATIONS.—The Secretary shall provide for requalification and recurrent training at geographical facilities, including military facilities, Federal, State, and local law enforcement facilities, and private training facilities that meet the qualification standards established under subparagraph (A).

(c) COSTS OF TRAINING.—

‘‘(A) IN GENERAL.—The Secretary shall provide Federal flight deck officer training, requalification training, and recurrent training to eligible pilots at no cost to the pilots or the air carriers that employ the pilots.

‘‘(B) REVOCATION OF DEPUTIZATION OF PILOT AS FEDERAL FLIGHT DECK OFFICER.—Section 44921(d)(4) of title 49, United States Code, is amended to read as follows:‘‘(4) REVOCATION.—

‘‘(A) ORDERS.—The Assistant Secretary of Homeland Security (Transportation Security Administration) may issue, for good cause, an order revoking the deputization of a Federal flight deck officer under this section. The order shall include the specific reasons for the revocation.

‘‘(B) HEARINGS.—An individual who is adversely affected by an order of the Assistant Secretary under subparagraph (A) is entitled to a hearing on the record. When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Assistant Secretary.

‘‘(C) APPEALS.—An appeal from a decision of an administrative law judge as a result of a hearing under subparagraph (B) shall be made to the Secretary or the Secretary’s designee.

‘‘(D) JUDICIAL REVIEW OF A FINAL ORDER.—The determination and order of the Secretary revoking the deputization of a Federal flight deck officer under this section shall be final and conclusive unless the individual against whom such an order is issued files a civil action for judicial review, not later than 60 days following the date of entry of such order, in the appropriate United States court of appeals.

‘‘(E) FEDERAL FLIGHT DECK OFFICER FIREARM CARRIAGE PILOT PROGRAM.—Section 44921(f) of title 49, United States Code, is amended by adding at the end the following:‘‘(F) PILOT PROGRAM.—

‘‘(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall implement a pilot program to allow pilots participating in the Federal flight deck officer program to transport their firearms on their persons. The Secretary may prescribe any training, equipment, and other procedures that determine necessary to ensure safety and maximize weapon retention.

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(B) REVIEW.—Not later than 1 year after the date of initiation of the pilot program, the Secretary shall conduct a review of the safety record of the pilot program and transmit a report on the results of the review to Congress.

(C) OPTION.—If the Secretary as part of the review under subparagraph (B) determines that the level obtained under the pilot program is comparable to the safety level determined under existing methods of pilots carrying firearms on aircraft, the Secretary shall allow all pilots participating in the Federal flight deck officer program the option of carrying their firearm on their person subject to such requirements as the Secretary determines appropriate.

(d) REFERENCES TO UNDER SECRETARY.—Section 49021 of title 49, United States Code, is amended—

(1) in subsection (a) by striking “Under Secretary of Transportation for Security” and inserting “Secretary of Homeland Security”;

(2) by striking “Under Secretary” each place it appears and inserting “Secretary”;

and

(3) by striking “Under Secretary’s” each place it appears and inserting “Secretary’s”.

SEC. 512. LETTERS OF INTENT.

(a) INSTALLATION OF EDS SYSTEMS.—Section 44923(d) of title 49, United States Code, is amended by adding at the end the following:

“(7) INSTALLATION OF EDS SYSTEMS.—Upon the request of an operator for an airport, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall revise a letter of intent issued under this subsection to provide for reimbursement of such additional costs as may be necessary to achieve complete in-line explosive detection system installation at the airport.”

(b) INSTALLATION OF EDS SYSTEMS.—Section 49021 of title 49, United States Code, is amended by adding at the end the following:

“(8) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to provide去过 passengers, terminal workers, or other personnel not granted regular access to secured areas before the date of enactment of this Act to provide airport access controls.

(b) ACCESS TO STEHILE AREAS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall require airport personnel including individuals employed in positions such as aircraft passengers; transportation personnel; aircraft cargo handlers, aircraft workers with access to an aircraft ramp, aircraft support facilities personnel, and personnel of and airport vendors; to undergo security screenings at unrestricted areas from restricted areas and undergo security screenings equivalent to screening of passengers and carry-on baggage each time any of these airport personnel enter a sterile area from an unrestricted area. The Secretary may issue a waiver of this provision on an airport-by-airport basis, subject to the following requirements:

(1) The Secretary shall promptly notify Congress of any waivers granted under this section, the purpose for which such waivers were granted, and the duration of the waiver.

(2) Under no circumstances shall a waiver be granted for more than 7 days, although the Secretary may issue as many waivers to the same individual as appropriate by the Secretary.

In the event of multiple waivers, the Secretary shall provide to Congress an estimate of when the airport will be in compliance with the timelines for implementation specified in subsection (a). The Secretary shall include, at a minimum:

(a) a description of ongoing efforts and projected timelines for—

(1) developing and implementing uniform screening standards for airport personnel with access to sterile areas;

(2) completing an assessment of available technologies that are applicable to securing airport perimeters and making this information available to airport operators; and

(3) developing and implementing a standard approach to conducting airport vulnerability assessments and compliance inspections.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to provide去过 passengers, terminal workers, or other personnel not granted regular access to secured areas before the date of enactment of this Act to provide airport access controls.

(d) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized under section 901, as amended, shall include $15,000,000 for fiscal year 2006 to carry out this section.
SEC. 519. INSPECTION OF CARGO CARRIED ABOARD COMMERCIAL AIRCRAFT.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a system that uses equipment, technology, personnel, and other means to inspect at least 10 percent of cargo transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate transportation. At a minimum, this system shall meet the same standards as those established by the Secretary for equipment, technology, and personnel used in passenger airport security under §44905 of title 49, United States Code. Within 2 years after the date of the enactment of this Act, the Secretary shall use this system to inspect at least 18 percent of cargo transported in passenger aircraft. Not later than three years after the date of enactment of this Act, the Secretary shall use this system to inspect at least 30 percent of cargo transported in passenger aircraft.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report describing the system established under subsection (a).

TITLE VI—SECURITY TRAINS ACROSS AMERICA

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “Safe Transit and Rail Awareness and Investments for National Security Act of 2005” or the “Safe TRAINS Act”.

SEC. 602. HOMELAND SECURITY PUBLIC TRANSPORTATION GRANTS.

(a) AUTHORIZATION.—The Secretary of Homeland Security is authorized to make grants to any state or grantee for the purpose of improving the security of public transportation systems against acts of terrorism. The grant program shall be administered by the Director of the Office of Domestic Preparedness to ensure that the program is consistent with other Department of Homeland Security grant programs.

(b) CONSIDERATIONS.—Among the considerations on which grants shall be awarded under this section are—

(1) Risk of terrorism, including threat assessment, vulnerabilities of public transportation systems, potential effects of acts of terrorism against public transportation systems, and past acts of terrorism against modes of transportation.

(2) Merits of the proposed projects to increase national security, based on a consideration of—

(A) threats;

(B) vulnerabilities;

(C) sectors including human casualties and economic impacts;

(D) consequence management;

(E) the likelihood that such projects would have the normal course of business and in the absence of national security considerations; and

(F) feasibility, based on the technical and operational merits of the projects.

(c) ALLOWABLE USE OF FUNDS.—Grants made under this section shall be used for the purposes of—

(1) support for increased capital investments in cameras, close-circuit television, and other surveillance systems;

(2) increases in equipment in command, control, and communications systems, including investments for redundancy and interoperability and for improved situational awareness, such as emergency call boxes and vehicle locator systems;

(3) increased training, including for carrying out the requirements of section 603, and technical support for public transportation employees, especially for security awareness, prevention, and emergency response, including evacuation and decontamination;

(4) expanded deployment of equipment and other measures, including canine detection teams, for the detection of explosives and chemical, biological, radiological, and nuclear agents;

(5) capital improvements and operating activities, including personnel expenditures, to increase the safety of stations, vehicles, bridges, and tunnels;

(6) capital improvements and operating activities to improve passenger survivability in the event of an attack, including improvements in ventilation, drainage, safety systems, technology, emergency communications systems, lighting systems, passenger egress, and accessibility by emergency response personnel;

(7) acquisition of emergency response and support equipment, including fire suppression and decontamination equipment; and

(8) expansion of employee education and public awareness campaigns regarding security on public transportation systems.

(d) ELIGIBLE RECIPIENTS.—Eligible recipients shall be made available under this section directly to owners, operators, and providers of public transportation systems. Owners, operators, and providers of infrastructure over which public transportation operates, but which is not primarily used for public transportation, may also be eligible for grants at the discretion of the Secretary.

(e) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including application and award procedures, and other preconditions under this section are expended in accordance with the purposes of this subtitle and the priorities and other criteria developed by the Secretary. If the Secretary determines that a recipient has not expended the grant funds received under this section directly to owners, operators, and providers of public transportation systems, the Secretary shall use the funds for activities over which public transportation operates, but which is not primarily used for public transportation, or the Secretary shall return any amount so used to the Treasury of the United States.

(f) REQUIREMENT.—Not later than 1 year after receipt of a grant under this section, the grantee shall transmit to the Secretary a report containing best practices for the security of public transportation, including a plan for conducting exercises and other measures, including canine detection teams, for the detection of explosives and chemical, biological, radiological, and nuclear agents.

(g) INCLUSION.—Notwithstanding any other law, regulation, or Executive order, the recipients of grants made under this section are protected from disclosure, in any form of disclosure that might compromise public transportation security or public transportation employee training purposes.

(h) AUTHORIZATION OF APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish guidelines for the conduct by recipients of grants made under this section for emergency response and public transportation employee training purposes.

(2) PLANS.—Not later than 6 months after receipt of a grant under section 602, the recipient of such grant shall transmit to the Secretary its emergency response plan as well as a plan for conducting exercises for emergency response and public transportation employee training purposes pursuant to the guidelines published under subsection (a).

(3) EXEMPTIONS.—The Secretary may exempt a grant recipient from the requirement under paragraph (1) or (2) if the Secretary determines that conducting an exercise is infeasible.

(3) NOTICE AND REPORT.—Not later than 30 days after conducting an exercise under paragraph (1) or (2), the recipient of such grant shall notify the Secretary that such exercise has been completed, including a description of the results of the exercise and findings and lessons learned from the exercise, and shall make recommendations for changes, if necessary, to existing emergency response plans. If the recipient determines that an emergency response plan as a result of an exercise under this subsection, the recipient shall transmit the revised plan to the Secretary not later than 6 months after the date of the exercise.

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance in the design, preparation for, and conduct of emergency response exercises.

(e) USE OF PLANS.—The Secretary shall ensure that information submitted to the Secretary under this section is protected from any form of disclosure that might compromise public transportation security or trade secrets. Notwithstanding the preceding sentence, the Secretary shall disseminate information, on a nonattributed basis unless otherwise agreed to by the source of the information, to aid in developing recommendations, best practices, and use by public transportation authorities to improve security practices and emergency response capabilities.

SEC. 604. SECURITY BEST PRACTICES

Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop, disseminate to appropriate owners, operators, and providers of public transportation systems, public transportation employees and employee representatives, and Federal, State, and local officials, and transmit to Congress, a report containing best practices for the security of public transportation systems. In developing best practices, the Secretary shall be responsible for consulting with and obtaining input from transportation authorities, federal, state, and local officials, and appropriate Federal, State, and local officials.

SEC. 605. PUBLIC AWARENESS

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a national plan...
for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, public transportation passengers, and public transportation operators can take to ensure public transportation system security. Such plan shall also provide outreach to owners, operators, providers, and employees of public transportation systems to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve public transportation security. Not later than 6 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 606. NATIONAL TRANSPORTATION SECURITY CENTERS.

(a) Establishment.—The Secretary of Homeland Security, working jointly with the Secretary of Transportation, shall establish more than 1 but not more than 4 National Transportation Security Centers at institutions of higher education to assist in carrying out this subtitle, to conduct research and education activities, and to develop or provide professional training, including the training of public transportation employees and students, in transportation-related professions, with emphasis on utilization of intelligent transportation systems, technologies, and architectures.

(b) Designation.—The Secretary shall designate the Centers according to the following selection criteria:

(1) The demonstrated commitment of the institution to transportation security issues.

(2) The use of and experience with partnerships with other institutions of higher education, Federal laboratories, or other nonprofit organizations.

(3) Capability to conduct both practical and theoretical research and technical systems analysis.

(4) Utilization of intelligent transportation system technologies and architectures.

(5) Ability to develop professional training programs.

(6) Capability and willingness to conduct education of transportation security professionals.

(7) Such other criteria as the Secretary may designate.

(c) Funding.—The Secretary shall provide such funding as is necessary to the National Transportation Security Centers established under subsection (a) to carry out this section.

SEC. 607. WHISTLEBLOWER PROTECTIONS.

(a) in General.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under Federal, State, or local law, or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(b) Definitions.—For purposes of this section:

(1) the term "covered individual" means an employee of—

(A) the Department of Homeland Security (which, for purposes of this section, includes the Transportation Security Administration); or

(B) a Federal contractor or subcontractor; and

(2) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(c) Prohibited Practices.—Nothing in this section shall be construed to prohibit an employer from taking any action against a covered individual, or any person who has entered into a contract with the Department of Homeland Security to offer or furnish any supplies, materials, equipment, or services of any kind under a contract with the Department of Homeland Security or a subcontract entered into in connection with such a contract; and

(d) Reporting Requirement.—The Department of Justice shall submit to Congress an annual report on the enforcement of paragraph (1). Each such report shall (A) identify each case in which formal charges under paragraph (1) were brought, (B) describe the disposition of each such case, and (C) in any actions under subsection (b)(1) in which the covered individual was the prevailing party or the substantially prevailing party, describe the relief obtained.

(e) Remedies.—If any action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

(f) Special Remedies.—In any action under subsection (b)(1), the court may award, in addition to any other relief to which the plaintiff is entitled, (A) a judgment for the amount of any back pay, with interest; and (B) compensatory damages not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(g) Exceptions.—In any action brought under subsection (b)(1), the court may not award—

(1) liquidated damages not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000; and (2) punitive damages not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(h) Criminal Penalties.—Any person who violates this section shall be fined under title 18 of the United States Code, imprisoned not more than 10 years, or both.
(1) Public Transportation Employees.—The term ‘‘public transportation employees’’ means security personnel, dispatchers, vehicle and vessel operators, other onboard employees, and other appropriate employees of owners, operators, and providers of public transportation systems.

(2) Public Transportation Systems.—The term ‘‘public transportation systems’’ means passenger, commuter, and light rail, including subways, buses, commuter ferries, and other modes of public transit.

SEC. 609. MEMORANDUM OF AGREEMENT.

(a) Requirement to Work Jointly.—The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in carrying out this subtitle.

(b) Memorandum.—Within 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Homeland Security and the Department of Transportation, respectively, in addressing railroad security matters, including (1) roles and responsibilities for improving railroad security under subsection (b)(1); (2) a railroad security plan under subsection (b)(2); (3) joint information sharing among the parties described in subsection (c); (4) a national plan for public outreach and communications; and (5) nonduplication of effort.

Subtitle B—Rail Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ‘‘Rail Security Act of 2005’’.

CHAPTER 1—RAILROAD SECURITY

SEC. 621. RAILROAD TRANSPORTATION SECURITY.

(a) IN GENERAL.—(1) REQUIREMENTS.—The Secretary shall develop, prepare, implement, and update—

(A) a railroad security assessment under subsection (b)(1);

(B) a railroad security plan under subsection (b)(2);

(C) prioritized recommendations for improving railroad security under subsection (d);

(D) guidance for the rail worker security training program as authorized by section 624; and

(E) a national plan for public outreach and awareness for improving railroad security as authorized by section 627.

(2) ROLE OF SECRETARY OF TRANSPORTATION.—The Secretary shall work jointly with the Secretary of Transportation, in developing, implementing, and updating the documents required by paragraph (1).

(3) MEMORANDUM OF AGREEMENT.—Within 60 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Homeland Security and the Department of Transportation, respectively, in addressing railroad security matters, including (1) joint information sharing among the parties described in subsection (c); (2) national guidance for the rail security training program as authorized by section 624; (3) joint information sharing among the parties described in subsection (c); (4) a national plan for public outreach and communications; and (5) nonduplication of effort.

(b) SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a department-wide assessment of railroad transportation required under subsection (a)(1). The security assessment shall include—

(A) identification and evaluation of critical railroad assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials by railroad; and

(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of the railroad system in the event of an attack or other incident, including disruption of commercial electric power or communications networks; (5) conducting public outreach campaigns on passenger railroads; and

(6) identifying the immediate and long-term costs of measures that may be required to address those risks.

(c) REPORT.—

(1) CONTENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report containing the security assessment, plan, and prioritized recommendations required by this section, along with an estimate of the cost to implement such recommendations.

(2) FORMAT.—The report may be submitted in a classified format if the Secretary determines that such action is necessary.

(d) PERIODIC UPDATES.—The Secretary shall update the railroad security assessment, security plans, and prioritized recommendations for improving railroad security under subsection (a), and the guidance for a rail worker security training program under section 624, every 2 years, including a report, which may be submitted in both classified and redacted formats, to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not less frequently than April 1 of each even-numbered year.

(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $10,000,000 for the purpose of carrying out this section.

SEC. 622. FREIGHT AND PASSENGER RAIL SECURITY.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, in coordination with the Secretary of Transportation, is authorized to make grants to freight and passenger rail carriers, nonprofit employee organizations that represent rail workers, shippers of hazardous materials by rail, owners of rail tank cars, and State and local governments, for costs incurred in the conduct of activities to prevent or respond to acts of terrorism or sabotage against railroads, or other railroad security threats, including—

(1) structural modification or replacement of rail cars transporting hazardous materials to improve their resistance to acts of terrorism;

(2) technologies for reduction of tank car vulnerability;

(3) security improvements to passenger railroad stations, trains, and infrastructure;

(4) tunnel protection;

(5) evacuation improvements;

(6) inspection technologies, including verified visual inspection technologies using hand-held readers and discs;

(7) security and redundancy for critical communications, computer, and train control systems, which shall include, but not be limited to, security and redundancy for secure railroad operations or to continue railroad operations after an attack impacting railroad operations;

(8) train tracking and interoperable communication systems;

(9) chemical, biological, radiological, or explosive detection systems and devices;

(10) surveillance for commercial electric power or communications networks; and

(b) REQUIREMENTS.—The Secretary shall—

(1) ensure that the grants are used for security improvement grants for freight and passenger rail security purposes; and

(2) require the funds to be used for security improvement grants for freight and passenger rail security purposes.

(c) REPORT.—To the extent that the grants are used for security improvement grants for freight and passenger rail security purposes, the Secretary shall require the recipient to submit to the Committee on Commerce, Science, and Transportation of the Senate a report containing the security assessment, plan, and prioritized recommendations required by this section, along with an estimate of the cost to implement such recommendations.
required to comply with such standards for constructs in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24306(a) of such title 49.

c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $50,000,000, to carry out the purposes of this section and $50,000,000 shall be used by the Secretary for making grants to Amtrak, in accordance with this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 623. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—There are authorized to be appropriated to Amtrak for the purposes of carrying out section 626 $500,000,000.

(b) CONDITIONS.—The Secretary shall require recipients of funds for construction under this subsection to meet the standards described in section 623 of this Act to apply the standards of section 23612 of title 49, United States Code, as in effect on September 1, 2004, with respect to the construction, in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24306(a) of such title 49.

c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $600,000,000 to carry out the purposes of this subsection, of which $500,000,000 shall be used by the Secretary for making grants to Amtrak, in accordance with this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 625. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare rail workers for personal threat conditions.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.
(2) Crew and passenger communication and coordination.
(3) Appropriate responses to defend oneself.
(4) Use of protective devices.
(5) Evacuation procedures.
(6) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
(7) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for approval. Not later than 60 days after receiving a railroad carrier’s program under this subsection, the Secretary shall review the program and approve it or require the railroad carrier to make any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(d) TRAINING.—Not later than 1 year after the Secretary approves the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all rail workers in accordance with that program.

(e) UPDATE.—The Secretary shall update the training guidance issued under subsection (a) from time to time to reflect new or different security threats, and require railroad carriers to update, accordingly and provide additional training to their rail workers.

SEC. 626. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $50,000,000 in each of fiscal years 2008 through 2010. There are authorized to be appropriated to the Secretary $600,000,000 to carry out the purposes of carrying out this section, the railroad carrier shall complete the training of all rail workers in accordance with that program.

(e) EFFECT OF REMEDIES.—An employee of a railroad carrier may not seek protection

SEC. 627. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, is amended by inserting after section 20115 the following:

"(e) WHISTLEBLOWER PROTECTION FOR RAILROAD SECURITY MATTERS

"(1) DISCRIMINATION AGAINST EMPLOYEE.—No railroad carrier engaged in interstate or foreign commerce may discharge or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)

"(i) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security;

"(ii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or any other action to enhance railroad security; or

"(iii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or any other action to enhance railroad security; or

"(c) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection

SEC. 628. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $50,000,000 to carry out the purposes of this section, of which $50,000,000 shall be used by the Secretary for making grants to Amtrak, in accordance with this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 629. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, is amended by inserting after section 20115 the following:

"(e) WHISTLEBLOWER PROTECTION FOR RAILROAD SECURITY MATTERS

"(1) DISCRIMINATION AGAINST EMPLOYEE.—No railroad carrier engaged in interstate or foreign commerce may discharge or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)

"(i) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security;

"(ii) has assisted or participated, or is about to provide or cause to be provided, testi-
SEC. 627. PUBLIC OUTREACH.
Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a national plan for public outreach and awareness. Such plan shall be designed to include measures that the general public, railroad passengers, and railroad employees can take to improve railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding to improve railroad security.

Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 628. PASSENGER, BAGGAGE, AND CARGO SCREENING.
The Secretary shall—

(1) analyze the costs and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and to the Committee on Commerce, Science, and Transportation at least every year after the date of enactment of this Act.

SEC. 629. EMERGENCY RESPONDER TRAINING STANDARDS.
Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue training standards for first responders. The standards shall—

(1) meet the requirements of the applicable Federal regulations, including security regulations, of the Under Secretary of Homeland Security for Border and Transportation Security,

(2) be designed and implemented in coordination with a crisis management team of the rail passenger carrier involved in the accident, to the extent that the director of family support services or the organization considers necessary to provide an environment in which the families may grieve in private.

(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To arrange a suitable memorial service, in consultation with the families.

(5) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(6) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(7) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(8) To arrange a suitable memorial service, in consultation with the families.

(9) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(10) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(11) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(12) To arrange a suitable memorial service, in consultation with the families.

(13) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(14) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(15) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(16) To arrange a suitable memorial service, in consultation with the families.

(17) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(18) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(19) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(20) To arrange a suitable memorial service, in consultation with the families.

(21) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(22) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(23) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(24) To arrange a suitable memorial service, in consultation with the families.

(25) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(26) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(27) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(28) To arrange a suitable memorial service, in consultation with the families.

(29) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(30) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(31) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(32) To arrange a suitable memorial service, in consultation with the families.

(33) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(34) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(35) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(36) To arrange a suitable memorial service, in consultation with the families.

(37) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(38) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(39) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(40) To arrange a suitable memorial service, in consultation with the families.

(41) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(42) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(43) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(44) To arrange a suitable memorial service, in consultation with the families.

(45) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(46) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(47) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(48) To arrange a suitable memorial service, in consultation with the families.

(49) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(50) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(51) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(52) To arrange a suitable memorial service, in consultation with the families.

(53) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(54) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(55) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(56) To arrange a suitable memorial service, in consultation with the families.

(57) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(58) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(59) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(60) To arrange a suitable memorial service, in consultation with the families.

(61) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(62) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(63) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(64) To arrange a suitable memorial service, in consultation with the families.

(65) To provide mental health counseling services, in coordination with the designated medical team of the rail passenger carrier involved.

(66) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(67) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(68) To arrange a suitable memorial service, in consultation with the families.
the accident.

(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services to the accident under subsection (a)(1) in the 30-day period beginning on the date of the accident. If family support services designated for the accident under section (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under section (c)(1) in the 30-day period beginning on the date of the accident.

(i) General.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigatory priority under section 1138(a)(2) and the Federal agency to which the Board relinquished investigatory priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(ii) General Rule.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigatory priority under section 1138(a)(2) and the Federal agency to which the Board relinquished investigatory priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) Board Assistance.—If this section does not apply to a railroad accident because the Board has relinquished investigatory priority under section 1138(a)(2), the board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigatory priority in assisting families and if State and local authorities are notified of the determination.

(3) Conforming Amendment.—The table of sections for this chapter is amended by inserting after the item relating to section 1138 the following:

(13) Assistance to families of passengers involved in railroad passenger accidents.

(14) Plans to address needs of families of passengers involved in railroad passenger accidents.

(15) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

(16) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title in assisting families of passengers involved in that accident.

(17) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

(18) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

(19) An assurance that the rail passenger carrier will provide adequate training to the employees of the carrier to meet the needs of survivors and family members following an accident.

(20) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the rail passenger's name appeared on any preliminary passenger manifest or the train involved in the accident.

(21) An assurance on the liability of a rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.

(22) An assurance that the rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.

(23) An assurance that the rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.

(24) An assurance that the rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.

(25) An assurance that the rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.

(26) An assurance that the rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under this subparagraph.
and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail operators and representatives of such other entities as the Secretary considers appropriate.

(2) TASK FORCE AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;
(2) recommendations on methods to improve the timeliness of the notification provided to the families of passengers involved in a passenger rail accident;
(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and
(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate a report containing the model plan and recommendations developed by the task force under subsection (b).

TITLE VII—SECURING CRITICAL INFRASTRUCTURE

SEC. 701. CRITICAL INFRASTRUCTURE.

(a) COMPLETION OF PRIORITIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prioritize the critical infrastructures of the Nation’s critical infrastructure according to all of the following criteria:

(1) The threat of terrorist attack, based on threat information received and analyzed by the Office of Information Analysis of the Department of Homeland Security and the appropriate levels and types of bio-terroristic capabilities of terrorist groups and other potential threats to the Nation’s critical infrastructure.
(2) The likelihood that an attack would cause significant or substantial disruption of such infrastructure.
(3) The likelihood that an attack would result in substantial numbers of deaths and serious injury, to substantial economic impact on the national economy, or a substantial adverse impact on national security.

(b) COOPERATION.—Such prioritization shall be developed in cooperation with other relevant Federal agencies, State, local and tribal governments, and the private sector, as appropriate.

SEC. 703. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit a report to the congressional committees described in subsection (a) that includes—

(1) the Secretary’s review and coordination of security plans under section 702; and
(2) the Secretary’s oversight of the execution and effectiveness of such plans.

(b) UPDATE.—Not later than 1 year after the submission of the report under subsection (a), the Secretary shall provide an update of such report to the congressional committees described in subsection (a).

TITLE VIII—PREVENTING A BIOLOGICAL ATTACK

SEC. 801. GAO REPORT OF DEPARTMENT BIOLOGICAL TERRORISM PROGRAMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Select Committee on Homeland Security and Governmental Affairs of the Senate, and the Select Committee on Homeland Security of the United States House of Representatives, a report that details the status of the effort to bridge real-time interoperability of IAFIS and IDENT, including the following:

(1) The steps the Department will take to achieve this goal, and a timetable to achieve this goal.
(2) A description of the effort being made to address the recommendation of the March, 2004, Department of Justice Inspector General report and subsequent December, 2004, report, which documented the need to improve existing biometric data that is collected and used.
(3) The plan for maintaining the interoperability of IAFIS and IDENT, once achieved.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “IAFIS” means the Integrated Automated Fingerprint Identification System maintained by the Federal Bureau of Investigation of the Department of Justice.
(2) The term “IDENT” means the Automated Biometric Identification System maintained by the Customs and Border Protection of the Department of Homeland Security.

TITLE IX—PROTECTION OF AGRICULTURE

SEC. 901. REPORT TO CONGRESS ON IMPLEMENTATION OF RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

The Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate by no later than 120 days after the date of the enactment of this Act, the steps the Department of Homeland Security will implement the applicable recommendations from the Government Accountability Office report entitled “Homeland Security: Much Is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain” (GAO-05-218).

TITLE X—OPTIMIZING OUR SCREENING CAPABILITIES

Subtitle A—U.S. Visitor and Immigrant Status Indicator Technology Database

SEC. 1001. INTEROPERABILITY FOR UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY DATABASE.

(a) FINDINGS.—The Congress finds as follows:

(1) The Congress is troubled by the security gap on the Nation’s border, caused by delays in linking fingerprint data in IDENT with criminal history data contained in IAFIS.
(2) The Congress expected that, by the end of 2004, such interoperability would be in place at airports, seaports, and the largest and busiest Border Patrol stations and land border ports of entry, but this will not be completed until December 31, 2005.
(3) With implementation of a new visa tracking system and deployment of millions of entry devices in US-VISIT, it is of concern that the Directorate of Border and Transportation Security collaborate with the Federal Bureau of Investigations to ensure that IDENT can retrieve, in real time, biometric information contained in IAFIS, and that IAFIS can retrieve, in real time, biometric information contained in IDENT.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare, and submit to the Committee on Homeland Security of the United States House of Representatives, a report that details the status of the effort to bridge real-time interoperability of IAFIS and IDENT, and the steps that the Department will take to achieve this goal, and a timetable to achieve this goal.

(c) DEFINITIONS.—For purposes of this section:


Subtitle B—Studies to Improve Border Management and Immigrant Security

SEC. 1011. STUDY ON BIOMETRICS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of the National Institute of Standards and Technology, shall conduct a comprehensive study of all biometric identifiers that
might be collected for purposes of processing and adjudicating applications and petitions for immigration benefits, and shall determine which among these identifiers would be most reliable for the purposes described in subsection (b). The Secretary shall provide the resources necessary to properly conduct the study.

(b) In carrying out subsection (a), the Secretary shall consider the use of a biometric identifier—

(1) to register or catalogue a petitioner or applicant for immigration benefit upon submission to the appropriate Federal agency;

(2) to check the petitioner or applicant against watch lists;

(3) as part of the integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a); and

(4) to conduct background checks with Federal intelligence agencies.

(c) Factors.—The Secretary shall consider the following factors in making the determination under subsection (a):

(1) Accuracy.

(2) Technology available.

(3) Economic considerations.

(4) Storage.

(5) Efficiency.

(6) Feasibility, including the costs of adoption, with regard to Federal agencies that would be required to adopt such replacement.

(d) Submission.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1012. STUDY ON DIGITIZING IMMIGRATION APPLICATIONS AND DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall conduct a comprehensive study on digitizing all applications and petitions for an immigration benefit, including digital storage, cataloging, and the ability to apply by digital means. The study should consider costs for both the Federal Government and the applicant or petitioner, as well as the feasibility for all types of persons to apply by digital means.

(b) Submission.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1013. STUDY ON ELIMINATION OF ARRIVAL/DEPARTURE PAPER FORMS.

(a) In General.—The Secretary of Homeland Security shall conduct a comprehensive study on the elimination of Homeland Security paper Form Number I-94 (Arrival/Departure Record) and Form Number I-94W (NIV Waiver Arrival/Departure Record) with procedures that ensure that the functions served by such forms are being carried out by electronic or digitized means. The study should consider costs and savings to the Federal Government and the applicant or petitioner, as well as feasibility for such replacement.

(b) Submission.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives.

SEC. 1014. CATALOGING IMMIGRATION APPLICATIONS BY BIOMETRIC.

(a) In General.—The Secretary of Homeland Security shall conduct a comprehensive study on whether all applications and petitions for an immigration benefit shall be registered or catalogued by the receiving agency using a biometric identifier. The Secretary of Homeland Security shall study one or more alternative biometric identifiers to be used in such applications.

(b) Submission.—The study should be completed not later than January 1, 2006, and shall be submitted to the Committee on Homeland Security of the United States House of Representatives. It shall include recommendations for resource allocation.

TITLE XI—CYBERSPACE AND HARNESSING TECHNOLOGY TO PREVENT DISASTER

Subtitle A—Department of Homeland Security Cybersecurity Enhancement

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Department of Homeland Security Cybersecurity Enhancement Act of 2005.”

SEC. 1102. ASSISTANT SECRETARY FOR CYBERSECURITY.

Section 201(b) of the Homeland Security Act of 2002 (6 U.S.C. 121(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) ASSISTANT SECRETARY FOR CYBERSECURITY.—There shall be in the Department an Assistant Secretary for Cybersecurity, who shall be appointed by the President.”;

and

(3) in paragraph (4), as redesignated by subparagraph (A) of this paragraph—

(A) by striking “Assistant” and “and” and inserting “Analysis, the”; and

(B) by striking “Protection shall” and inserting “Protection, and the Assistant Secretary for Cybersecurity shall.”

SEC. 1103. CYBERSECURITY TRAINING PROGRAMS AND EQUIPMENT.

(a) In General.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for—

(1) the establishment or expansion of cybersecurity professional development programs;

(2) the establishment or expansion of associate degree programs in cybersecurity; and

(3) the purchase of equipment to provide training in cybersecurity for either professional development programs or degree programs.

(b) Roles.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, acting through the Assistant Secretary for Cybersecurity, shall, in consultation with the Director of the National Science Foundation, establish the goals and criteria for awarding grants under this section and the criteria for awarding grants under the program established under this section consistent with the goals and criteria established under paragraph (1), including soliciting applicants, reviewing applications, and making and administering grant awards. The Director may consult with the Assistant Secretary for Cybersecurity in selecting such grants.

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall—

(a) annually post the funds necessary to carry out this section.

(b) Peer Review.—All grant awards under this section shall be made on a competitive, merit-reviewed basis.

(c) Focus.—In making grant awards under this section, the Director shall, to the extent practical, ensure geographic diversity and the participation of women and underrepresented minority students.

(d) Preference.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions of higher education as many students and professionals as possible to benefit from this program.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 101, there is authorized to be appropriated to the Secretary for carrying out this section $500,000 for fiscal year 2006.

(e) DEFINITIONS.—In this section, the term "institutions of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1104. CYBERSECURITY RESEARCH AND DEVELOPMENT

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

SEC. 314. CYBERSECURITY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Under Secretary for Science and Technology shall support research and development, including fundamental, long-term research, in cybersecurity to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

“(b) ACTIVITIES.—The research and development supported under subsection (a), shall include work to—

(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including those of the domain name system and routing protocols;

(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

(3) improve and create mitigation and recovery methodologies, including techniques to contain and mitigate attacks and development of resilient networks and systems that degrade gracefully; and

(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including testbeds, and data sets for assessment of new cybersecurity technologies.

“(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

(1) the Assistant Secretary for Cybersecurity; and

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology, to identify unmet needs and cooperatively support activities, as appropriate.

“(d) NATURE OF CYBERSPACE AND TECHNOLOGIES.—Activities under this section shall be carried out in accordance with section 306(a) of this Act.”.

Subtitle B—Coordination With National Intelligence Director

SEC. 1111. IDENTIFICATION AND IMPLEMENTATION OF TECHNOLOGIES THAT IMPROVE SHARING OF INFORMATION WITH THE NATIONAL INTELLIGENCE DIRECTOR.

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by inserting—

“including the implementation of technologies that improve sharing of information with the National Intelligence Director,” after “within the Federal Government”.

Subtitle C—Cybersecurity Research

SEC. 1121. SUPPORT OF BASIC CYBERSECURITY RESEARCH.

(a) In General.—Title III of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 121 et seq.) is amended by adding the following:

SEC. 314. SUPPORT OF BASIC CYBERSECURITY RESEARCH.

“The Secretary, through the Directorate of the Department of Science and Technology...
and subject to the availability of appropriations, shall fund basic cybersecurity research, including the following:

(1) Development of information technology and service providers to improve the integration of security control and protocols into next-generation networks, mobile and wireless networks, and computing devices and applications.

(2) Development of network-based control mechanisms for improving the capability of operating systems and service providers to respond to malicious action by hostile actors.

(3) Development of mechanisms for improving international network responsiveness to threats, including predictive modeling, communication mechanisms and information sharing systems.

(4) Modeling of the cyber vulnerabilities of the Nation’s critical infrastructure, including Supervisory Control and Data Acquisition (SCADA) and Digital Control Systems (DCS).

(5) Mapping of key interdependencies, choke-points, and single points-of-failure within the Nation’s cyber critical infrastructure and the development of remediation programs.

(6) Development of technologies, methodologies, and applications to mitigate the most common cyber vulnerabilities affecting network infrastructure, including viruses, worms, and denial-of-service attacks.

(7) Identification of emerging cybersecurity threats and vulnerabilities affecting next-generation networks and mobile and wireless networks.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

“Sec. 314. Support of basic cybersecurity research.”

Subtitle D—Cybersecurity Training and Equipment

SEC. 1131. CYBERSECURITY TRAINING PROGRAMS AND EQUIPMENT.

(a) In General.—The Secretary of Homeland Security, acting through the Assistant Secretary for Cybersecurity, may establish, in conjunction with the National Science Foundation, a program to award grants to institutions of higher education (and consortia thereof) for—

(1) the establishment or expansion of cybersecurity professional education programs;

(2) the establishment or expansion of associate degree programs in cybersecurity; and

(3) the purchase of equipment to provide training in cybersecurity for other professional development programs or degree programs.

(b) ROLES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary, acting through the Assistant Secretary for Cybersecurity and in consultation with the Director of the National Science Foundation, shall establish the goals for the program established under this section and the criteria for awarding grants under the program.

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall operate the program established under this section consistent with the goals and criteria established under paragraph (1), including soliciting applicants, reviewing applications, and making and administering grants under the program. The Director may consult with the Assistant Secretary for Cybersecurity in selecting awardees.

(3) FUNDING.—The Secretary shall transfer to the National Science Foundation the funds necessary to carry out this section.

(c) GRANT AWARDS.—

(1) PEER REVIEW.—All grant awards under this section shall be made on a competitive, merit-reviewed basis.

(2) FOCUS.—In making grant awards under this section, the Assistant Secretary shall, to the extent practicable, ensure geographic diversity and the participation of women and underrepresented minorities.

(3) PREFERENCES.—In making grant awards under this section, the Director shall give preference to applications submitted by consortia of institutions to encourage as many students and professionals as possible to benefit from this program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for carrying out this section $3,700,000 for fiscal year 2006.

(e) Definitions.—In this section, the term “institutions of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

TITLE XII—HELPING FIRST RESPONDERS GET THEIR JOB DONE

Subtitle A—Communications Interoperability

SEC. 1201. INTEROPERABLE COMMUNICATIONS TECHNOLOGY GRANT PROGRAM.

Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238b) is amended by adding at the end the following:

“(e) INTEROPERABLE COMMUNICATIONS GRANTS.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) COMMUNICATIONS INTEROPERABILITY.—The term ‘communications interoperability’ means the ability of public safety service and support providers, including emergency response providers, to communicate with other responding agencies and Federal agencies if necessary, through information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(B) ELIGIBLE STATE.—The term ‘eligible State’ means a State that—

(i) has submitted a plan under paragraph (4); and

(ii) the Secretary determines has not achieved adequate statewide communications interoperability.

(C) PUBLIC SAFETY AGENCIES.—The term ‘public safety agencies’ includes emergency response providers and any other persons that the Secretary determines must communicate effectively with one another to respond to emergencies.

(2) IN GENERAL.—The Secretary shall—

(A) make grants on a competitive basis directly to local governments (including a consortium of local governments) and public safety agencies within eligible States, in consultation with the chief executives of the State or States, for the purpose of assisting in the development of interoperable communications systems at any stage, including—

(i) planning, system design and engineering;

(ii) procurement and installation of equipment;

(iii) operations and maintenance of equipment; and

(iv) testing and technology development; and

(B) make grants to eligible States for initiatives necessary to achieve communications interoperability within each State, including—

(i) statewide communications planning;

(ii) system design and engineering;

(iii) procurement and installation of equipment;

(iv) operations and maintenance of equipment; and

(v) testing and technology development initiatives.

(3) COORDINATION.—

(A) IN GENERAL.—The Secretary shall ensure that grants administered under this subsection are coordinated with the activities of other entities of the Department and other Federal or State or local government entities to maximize the potential impact of the grant on improving communications interoperability.

(b) RELATIONSHIP TO EXISTING GRANT PROGRAMS.—Nothing in this Act shall provide for the combination of grant funds among the grant program established under this subsection and any other grant programs administered by the Department of Homeland Security, including the State Homeland Security Grant Program of the Department, or any successor to such grant program, or any successor to such grant program.

(4) ELIGIBILITY.—

(A) CONSIDERATIONS.—In applying for a grant under this subsection, each eligible State, or local governments or public safety agencies within an eligible State or States, shall submit a communications interoperability plan to the Secretary that—

(i) addresses any stage of the development of interoperable communications systems, including planning, system design and engineering, procurement and installation, operations and maintenance, and technology development;

(ii) if the applicant is not a State, includes a description of how the applicant addresses the goals specified in any applicable State plan or plans submitted under this section; and

(iii) is approved by the Secretary.

(B) INCORPORATION AND CONSISTENCY.—A plan submitted under subparagraph (A) may be part of, and shall be consistent with, any other homeland security plans required of the submitting party by the Department.

(5) AWARD OF GRANTS.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall—

(i) the nature of the threat to the eligible State or local jurisdiction; and

(ii) the location, risk, or vulnerability of critical infrastructure and key national assets;

(iii) the number, as well as the density, of persons who will be served by interoperable communications systems;

(iv) the extent of the partnerships, existing or planned, established between local jurisdictions and agencies participating in the development of interoperable communications systems, and their coordination with Federal and State agencies;

(v) the level of communications interoperability already achieved by the jurisdiction;

(vi) the extent to which the communications interoperability plan submitted under paragraph (4) adequately addresses steps necessary to implement short-term or long-term solutions to communications interoperability;

(vii) the extent to which eligible States and local governments, in light of their financial capability, demonstrate their commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

(viii) the extent to which grants will contribute to the achievement of interoperability in the relevant jurisdiction with Federal, State, and local agencies; and

(6) GRANT AMOUNT.—

(A) IN GENERAL.—The Secretary shall authorize $160,000,000 to be appropriated to carry out this section in each of fiscal years 2006 and 2007.
(ix) the extent to which grants will be utilized to implement advanced communications technologies to promote interoperability.

(2) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant to an applicant awarded under this section shall be 75 percent.

(ii) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under clause (i) by making in-kind contributions or services that are directly linked with the purpose for which the grant is made, including personnel overtime, contractor services, administrative or equipment fuel and maintenance, and rental space.

(3) REIMBURSEMENT.—(A) In general.—Unless otherwise requested by the recipient of a grant under this subsection, grants shall not be awarded to reimburse the recipient for prior expenditures related to achieving communications interoperability.

(B) EXCEPTION.—The Secretary shall reimburse public safety agencies directly for costs incurred for expenditures related to achieving communications interoperability, if—

(1) the public safety agency expended funds after September 11, 2001, and before the date of enactment of this Act, for equipment that will be used to provide communications services to emergency responders;

(2) such expenditures were consistent with and supportive of the communications interoperability plans approved by the Secretary under paragraph (4)(A)(ii); and

(3) the public safety agency was notified of the availability of funds under this Act.

(C) TERMINATION OF AUTHORITY.—The authority of the Secretary under subparagraph (B) shall terminate one year after the date on which the Department of Homeland Security first allocates grant funds for this program.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 2006, $750,000,000 for fiscal year 2007, $1,000,000,000 for fiscal year 2008, $1,250,000,000 for fiscal year 2009, $1,500,000,000 for fiscal year 2010, and such sums as are necessary each fiscal year thereafter, to carry out the purposes of this Act.

SEC. 1202. STUDY REVIEWING COMMUNICATION EQUIPMENT INTEROPERABILITY.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study reviewing the need for and develop a study report that reviews—

(1) communications interoperability and the viability of an acquisition strategy that requires all agencies to purchase equipment made by manufacturers that have committed to allow their products to be reverse engineered, so that interoperability can be assured regardless of manufacturer.

(b) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendation of the study by not later than 6 months after the date of enactment of this Act.

SEC. 1203. PREVENTION OF DELAY IN REASSIGNMENT OF DEDICATED SPECTRUM FOR PUBLIC SAFETY PURPOSES.

It is the sense of the Congress—

(1) communications interoperability is a critical problem faced by our Nation’s first responders;

(2) permanently correcting this problem requires broadcast spectrum dedicated for use by first responders; and

(3) Congress supports prompt action to make dedicated spectrum available for use by first responders.

Subtitle B—Homeland Security Terrorism Exercises

SEC. 1211. SHORT TITLE.

This subtitle may be cited as the “Homeland Security Terrorism Exercises Act of 2005.”

SEC. 1212. NATIONAL TERRORISM EXERCISE PROGRAM.

(a) IN GENERAL.—Section 430 of the Homeland Security Act of 2002 (42 U.S.C. 25602) is amended by striking “and” after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “,” and, and by adding at the end the following:

“(10) designing, developing, performing, and evaluating exercises at the National, State, territorial, local, and tribal levels of government that incorporate government officials, emergency response providers, police, the private sector, international governments and organizations, and other appropriate entities to test the Nation’s capability to prevent, prepare for, respond to, and recover from threatened or actual terrorism;

(b) NATIONAL TERRORISM EXERCISE PROGRAM.

(1) ESTABLISHMENT OF PROGRAM.—Title VIII of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following new subtitle:

“Subtitle J—Terrorism Preparedness and Exercises

SEC. 1209a. NATIONAL TERRORISM EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, through the Office for Domestic Preparedness, shall establish a National Terrorism Exercise Program for the purpose of testing and evaluating the Nation’s capabilities to prevent, prepare for, respond to, and recover from threatened or actual acts of terrorism that—

(1) enhances coordination for terrorism preparedness between all levels of government, emergency response providers, international governments and organizations, and the private sector;

(2) is—

(A) multidisciplinary in nature, including, as appropriate, information analysis and cybersecurity components;

(B) as realistic as practical and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(C) carried out with the minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(D) evaluates emergency response performance measures and followed by corrective action to solve identified deficiencies; and

(E) assessed to learn best practices, which shall be shared with appropriate Federal, State, territorial, local, and tribal personnel, authorities, and training institutions for emergency response providers; and

(3) makes available related training and outreach, and other coordinated efforts to promote citizen preparedness; and

(b) PURPOSES.

The purpose of this title is to—

(1) enhance coordination for terrorism preparedness between all levels of government, international governments, and the private sector;

(2) promote the understanding of the responsibilities of all levels of government, international governments, and the private sector;

(3) encourage the development of comprehensive, coordinated strategies to engage citizens in homeland security; and

(4) evaluate emergency preparedness programs and strategies that integrate citizen/volunteer resources and participation and task force/advisory council memberships that include public and private sector representatives.

SEC. 1222. PURPOSES.

The purpose of this title is—

(1) to provide an orderly and continuing means of assistance by the Federal Government to State, local, and tribal governments in carrying out their responsibilities to engage all Americans in homeland security to provide an orderly and continuing means of assistance by the Federal Government to State, local, and tribal governments in carrying out their responsibilities to engage all Americans in homeland security by—

(1) achieving greater coordination among citizens, the private sector, governmental organizations, and all emergency responder disciplines through Citizen Corps Councils;

(2) encouraging individuals and communities to prepare for all hazards and threats;

(3) providing Federal assistance to establish, to build, and to sustain Citizen Corps Councils, which foster a comprehensive partnership among all emergency responder disciplines, government officials, the private sector, community and faith-based organizations to develop a local, risk-based strategy plan to engage citizens in homeland preparedness and response training through accurate preparedness information through public education and outreach; training—based on including alerts and warnings; training in preparedness, prevention, and emergency response skills; and opportunities for collaboration with local emergency responders through volunteer programs, exercises, community outreach, and other coordinated efforts to promote citizen preparedness; and

(4) focusing on how both to include people with disabilities and special needs in emergency preparedness and response training and collaboration opportunities and to ensure emergency responders are better prepared to meet the needs of this segment of society; and

(5) endorsing homeland security plans and strategies that integrate citizen/volunteer resources and participation and task force/advisory council memberships that include public and private sector representatives.

SEC. 1223. CITIZENS CORPS; PRIVATE SECTOR PREPAREDNESS.

Title I of the Homeland Security Act of 2002 (42 U.S.C. 101 et seq.) is amended by adding at the end the following:

“SEC. 104. CITIZEN CORPS AUTHORIZATION.

“(a) ADMINISTRATION AND SUPERVISION.—Citizen Corps and other community preparedness programs and the Department of Homeland Security shall be administered by the Executive Director of the Office of State
and Local Government Coordination and Preparedness under the supervision and direction of the Secretary.

(b) EXECUTIVE DIRECTOR.—The Executive Director shall:

(1) serve as Chair of the National Citizen Corps Council;
(2) convene meetings of the National Citizen Corps Council at his own discretion or at the direction of the Secretary;
(3) coordinate with State, local, and tribal government personnel, agencies, and authorities, and with the private sector, to ensure adequate planning, equipment, training, and exercise activities to fulfill the mission of engaging citizens in homeland security; and
(4) provide periodic reports on the status of Citizen Corps and citizen preparedness to the Homeland Security Council through the Secretary.

(c) USES OF FUNDS.—Funds made available under this title shall be used for the following:

(1) Activities related to the component programs of Citizen Corps, including but not limited to Community Emergency Response Teams, Fire Corps, Volunteers in Police Service, USA on Watch, and Medical Reserve Corps.
(2) To provide funding to States in accordance with Public Law 107–296, except that not more than 10 percent of funds received under this title to local Citizen Corps Councils.
(3) State and local Citizen corps councils may purchase educational materials for use in elementary and secondary schools for emergency preparedness education programs.

(d) COORDINATION WITH OTHER FEDERAL ENTITIES.—The Executive Director shall:

(1) coordinate the coordination among all Federal entities to develop and sustain Citizen Corps, preparedness and participation, especially the Departments of Health and Human Services, Justice, Commerce, Education, the Environmental Protection Agency, and Corporation for National and Community Service; and
(2) have the authority to make contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Executive Director’s responsibilities under this title or otherwise provide Federal leadership.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title:

(1) for fiscal year 2006, $50 million;
(2) for fiscal year 2007, $55 million;
(3) for fiscal year 2008, $60 million;
(4) for fiscal year 2009, $65 million; and
(5) for fiscal year 2010, $70 million.

SEC. 105. PRIVATE SECTOR EMERGENCY PREPAREDNESS PROGRAM.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this title, the Secretary shall develop and implement a program to enhance private sector preparedness for emergencies and disasters, including emergencies resulting from acts of terrorism.

(b) PROGRAM ELEMENTS.—In carrying out the program, the Secretary shall develop guidance and identify best practices to assist or foster action by the private sector in:

(1) identifying hazards and assessing risks and linkages associated with preparedness and response resources;
(2) mitigating the impacts of a wide variety of hazards, including weapons of mass destruction;
(3) developing emergency preparedness and response resources; and
(4) developing mutual aid agreements;

(5) developing and maintaining emergency preparedness and response plans, as well as associated operational procedures;
(6) developing and maintaining communications and emergency preparedness and response plans and operational procedures;
(7) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;
(8) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operational procedures;
(9) developing procedures to respond to external requests for information from the media and the public.

(c) STANDARDS.—

(1) IN GENERAL.—The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards include:

(1) the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.
(2) The Secretary shall serve as liaison to the emergency medical services community;
(3) the voluntary standards for disaster and emergency management and business continuity programs developed by the American National Standards Institute and the National Fire Protection Association; and
(4) any existing private sector emergency preparedness guidance or best practices developed by private sector industry associations or other organizations.

Subtitle D—Emergency Medical Services

SEC. 1231. EMERGENCY MEDICAL SERVICES ADMINISTRATION.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following:

"SEC. 510. EMERGENCY MEDICAL SERVICES ADMINISTRATION.

(a) ESTABLISHMENT.—There is established, within the Department of Homeland Security, an Office of Emergency Medical Services Administration to oversee and coordinate government efforts related to emergency medical services, response to incidents of terrorism, including governmental and nongovernmental emergency medical services.

(b) RESPONSIBILITIES.—The head of the Office of Emergency Medical Services Administration shall:

(1) coordinate activities related to emergency medical services and homeland security;
(2) serve as liaison to the emergency medical services community;
(3) evaluate training programs and standards for emergency medical services personnel;
(4) conduct periodic assessments into the needs and capabilities of emergency medical services providers, including governmental and nongovernmental providers;
(5) conduct research into the number of emergency medical services personnel, including governmental and nongovernmental emergency medical services, as well as those who provide services that are associated with fire departments or hospital-based.

(c) COUNCILS.—The head of the Emergency Medical Services Administration shall conduct nationwide needs assessment of emergency medical services providers and non-hospital-based personnel and

(d) MINISTERS.—The Secretary of the Department of Homeland Security should review the current system for distributing Homeland Security Grant Management Performance Grants and consider distributing grants funds to State emergency managers rather than to State homeland security directors.

Substitute E—Lessons Learned Information Sharing System

SEC. 1241. LESSONS LEARNED, BEST PRACTICES, AND CORRECTIVE ACTION.

(a) IN GENERAL.—In conjunction with the National Memorial Institute for the Prevention of Terrorism (MIPT) in Oklahoma City, Oklahoma, the Secretary of the Department

(b) COUNCIL.—The Secretary shall:

(1) establish a system for distributing lessons learned, best practices, and corrective actions across the entire range of emergency response and homeland security disciplines for local, State, tribal, and Federal governments and jurisdictions.

(c) COUNCIL.—The Lessons Learned Information Sharing System shall:

(1) address the lessons learned and best practices of the National Intelligence Sharing System be expanded and made available to the emergency responders and domestic security officials of our international allies, as provided by the Secretary, to include the collection and coordination of international lessons learned and best practices;

(d) the Lessons Learned Information Sharing System serve as the parallel system for the Department’s Corrective Action and Improvement Program that supports the Homeland Security National Exercise Program, Senior Officers Exercises, and Top Officials (TopOff) exercises, in accordance with the Department’s Homeland Security Exercise and Evaluation Program (HSEEP);

(e) the Lessons Learned Information Sharing System support the continued analysis and implementation of the National Intelligence Sharing System in accordance with the Homeland Security National Exercises and Evaluations Program (HSEEP); and

(f) the Lessons Learned Information Sharing System support the continued analysis and implementation of the National Intelligence Sharing System in accordance with the Homeland Security National Exercises and Evaluations Program (HSEEP).

(h) the Lessons Learned Information Sharing System should support the development of a non-secure section for non-confidential and non-sensitive information;...
(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary is authorized to be appropriated $17,000,000 for the fiscal year 2006 to carry out the above requirements.

Subtitle G—Technology Transfer
Clearinghouse
SEC. 1251. SHORT TITLE.
This subtitle may be cited as the ‘‘Department of Homeland Security Technology Development and Transfer Act of 2005.’’

SEC. 1252. TECHNOLOGY DEVELOPMENT AND TRANSFER.
(a) ESTABLISHMENT OF TECHNOLOGY CLEARINGHOUSE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish the Technology Transfer Program under Section 313 of the Homeland Security Act of 2002.

(b) TRANSFER PROGRAM.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

‘‘(11) Technology Clearinghouse under Section 313 of the Homeland Security Act of 2002.’’;

(2) in subsection (c)(6), the Secretary, acting through the Under Secretary for Science and Technology, shall—

‘‘(A) consult with Federal, State, and local governments, and international organizations and that may be useful in assisting Federal, State, and local governmental agencies, emergency response providers, or the private sector to prevent, prepare for, or respond to acts of terrorism;’’;

(3) assess the Department of Homeland Security technologies for anti-terrorism use, as well as the technology availability of such technologies for anti-terrorism use; and

(b) AUTHORITY TO INVESTIGATE.
(1) AUTHORITY TO INVESTIGATE.—In the event of a terrorist threat or terrorist attack, the Secretary shall have authority to require employees of the Department to produce documents and answer questions, with respect to any matter within the authority of the senior official under subsection (a).
Subtitle B—Ensuring Diversity in Department of Homeland Security Programs
SEC. 1411. ANNUAL REPORTS RELATING TO EMPLOYMENT OF COVERED PERSONS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “Secretary” means the Secretary of Homeland Security;

(2) the term “Department” means the Department of Homeland Security;

(3) in the case of an “app|of persons” means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities;

(4) the term “category” as used with respect to covered persons, refers to the categories of persons identified in subparagraphs (A), (B), and (C), respectively, of paragraph (3); and

(5) the term “element”, as used with respect to the Department, means a directorate of the Department and the office of the Secretary.

(b) ANNUAL REPORTS.—Not later than February 1 of each year, the Secretary shall prepare and submit to the House of Representatives a report on the employment of covered persons by the Department during the preceding fiscal year. Each such report shall include, for each element of the Department, the following:

(1) The total number of individuals holding positions within such element as of the end of such fiscal year and, of that number, the percentage (in the aggregate and by category) that covered persons comprised.

(2) For each pay grade, pay band, or other pay classification of each pay schedule and for every other rate of pay—

(A) the total number of individuals holding positions within such element as of the end of such fiscal year who were subject to each such pay classification or rate; and

(B) of the respective numbers under subparagraph (A), the percentage (in the aggregate and by category) that covered persons comprised.

(3) The total number of individuals appointed to positions within such element during such fiscal year and, of that number, the percentage (in the aggregate and by category) that covered persons comprised.

(c) UNCLASSIFIED FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex if the Secretary considers one to be necessary.

SEC. 1412. PROCUREMENT.

(a) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department of Homeland Security shall submit to the Secretary of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) identifies each program of the Department for which the aggregate value of contracts and subcontracts awarded in fiscal year 2005 under the program to persons that are small disadvantaged business, women-owned small businesses, or historically underutilized business zones (as defined as “HUBZones” ) was less than 5 percent of the total value of all contracts awarded under the program in that fiscal year; and

(2) describes any barriers to achieving a goal of awarding to such persons each fiscal year contracts having an aggregate value of at least 5 percent of the total value of all contracts awarded under the program in the fiscal year.

(b) ACTION PLAN.—

(1) In General.—The Secretary shall develop, submit to the Committees referred to in subsection (a), and begin implementing an action plan for achieving the goal described in subsection (a)(2). Such plan shall include performance measures and a timetable for compliance and achievement of the goal described in subsection (a)(2).

(2) PERFORMANCE MEASURES AND TIMETABLE.—Each action plan shall include performance measures and a timetable for compliance and achievement of the goal described in subsection (a)(2).

SEC. 1413. CENTERS OF EXCELLENCE PROGRAM.

In selecting the first institution of higher education selected after the date of the enactment of this Act under the Department of Homeland Security Centers of Excellence program, the Secretary of Homeland Security shall select an institution that has the following:

(1) A collective bargaining agreement whereby the covered individual is represented by a union designated as the exclusive representative by the Federal Labor Relations Authority; and

(2) An affirmative action program that includes performance measures and timetables for compliance and achievement of the goal described in subsection (a)(2).

Subtitle C—Protection of Certain Employee Rights

SEC. 1421. PROVISIONS TO PROTECT CERTAIN EMPLOYEE RIGHTS.

(a) COLLECTIVE BARGAINING, APPEALS, ETC.—

(1) IN GENERAL.—Section 901(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “(P)” after “(E)”;

and

(B) in paragraph (2), by striking “59, 72, 73, and 79,” and inserting “and 86.”

(2) CONFORMING AMENDMENT.—Section 901(d) of title 5, United States Code, is repealed.

(b) RATES OF PAY.—Section 901(d) of title 5, United States Code, is amended—

(1) by striking from the semicolon after—

(2) in paragraph (3), by striking the period at the end of—

(3) by inserting after paragraph (3) the following—

“(4) to fix the pay for any position at a rate that is less than—

(A) in the case of a position that (if this chapter had not been enacted) would have been subject to the provisions of this title relating to the General Schedule, the rate determined under subsections; or

(B) in the case of any other position, the rate determined under such provisions for the position that is most similar in its duties and responsibilities to those of such other position (as determined under regulations) and that is subject to such provisions.”;

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect as if included in the enactment of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 42121(b)) was less than 5 percent of the total value of all contracts awarded under the program in that fiscal year; and

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with respect to pay for service performed in any pay period beginning on or after such date.

(d) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

Subtitle D—Whistleblower Protections

SEC. 1431. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, or in any other manner discriminated against (including by a denial, suspension, or revocation of a security clearance or other benefit to which the individual is entitled) if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual believes constitutes a violation of any law, rule or regulation relating to national or homeland security, when the investigation is conducted in the belief that the individual reasonably believes constitutes a threat to national or homeland security, or which the covered individual reasonably believes constitutes fraud, waste or mismanagement of Government funds intended to be used for national or homeland security, when the information or assistance is provided to or the investigation is conducted for the purpose of preventing such fraud, waste or mismanagement;

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule or regulation relating to national or homeland security;

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by—

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

(B) if the Secretary has not issued a final decision within 180 days after the filing of the complaint and that the delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(1) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

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

(c) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

Subtitle E—Limitations

SEC. 1441. RELIEF FOR ANY ACTION UNDER PARAGRAPH (1) SHALL INCLUDE—
(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

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

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, attorney fees;

(D) punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(2) STATE SECRETS PRIVILEGE. —If, in any action brought under subsection (b)(1)(B), the Government asserts as a defense the privilege commonly referred to as the "state secrets privilege" and the assertion of such privilege prevents the plaintiff from establishing in support of the plaintiff's claim, the court shall enter judgment for the plaintiff and shall determine the relief to be granted.

(c) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual to commit an act prohibited by subsection (a).

(2) REPORTING REQUIREMENT.—The Department of Justice shall submit to Congress an annual report on the enforcement of paragraph (1). Each such report shall—

(A) identify each formal charge or formal charges to which paragraph (1) were brought, (B) describe the status or disposition of each such case, and (C) in any actions under subsection (b)(1)(B) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges to which paragraph (1) were brought and, if not, the reasons therefor.

(f) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "covered individual" means an employee of—

(A) the Department of Homeland Security (which, for purposes of this section, includes the Transportation Security Administration);

(B) a Federal contractor or subcontractor; and

(c) an employer within the meaning of section 78(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(2) the term "lawful" means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful;

(3) the term "Federal contractor" means a person who has entered into a contract with the Department of Homeland Security;

(4) the term "employee" means—

(A) the Director of National Intelligence referred to in paragraph (1)(A), an employee as defined by section 2015 of title 5, United States Code; and

(B) with respect to an employer referred to in subparagraph (A) or (B) of paragraph (1), any officer, partner, employee, or agent;

(5) the term "subcontractor"—

(A) means any person, other than the Federal contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of a kind not otherwise furnished by the Department of Homeland Security or a subcontract entered into in connection with such a contract; and

(B) includes any person who offers to furnish or furnishes general supplies to the Federal contractor or a higher tier subcontractor; and

(6) the term "person" means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

(b) AUTHORIZATION OF FUNDS.—Of the amounts authorized under section 101, there is authorized to be appropriated amounts necessary for carrying out this section. Except as provided in the preceding sentence, this section shall have no force or effect.

Title E—Authority of Chief Information Officer

SEC. 1441. AUTHORITY OF CHIEF INFORMATION OFFICER.

Section 703 of the Department of Homeland Security Act of 2002 (6 U.S.C. 343) is amended by inserting "(a) IN GENERAL.—" before the first sentence, and by adding at the end the following:

"(b) LINK AUTHORITY.—The Secretary shall delegate to the Chief Information Officer direct line authority over information officers of the agencies of the Department, and other key information technology personnel of the Department, with respect to their responsibilities to oversee, integrate, and protect information technology systems of the Department. The Chief Information Officer shall report directly to the Secretary."
The Secretary is authorized to establish and carry out a demonstration program that integrates non-intrusive inspection equipment, including radiation detection equipment and data analysis and inspection equipment, at an appropriate United States seaport, as determined by the Secretary.

(c) REQUIREMENT.—The demonstration program shall also evaluate automatic identification methods for containers and vehicles and a data sharing network capable of trans-shipments of members of federally recognized Indian tribes across the United States border, taking into consideration the unique characteristics of certain federally recognized Indian tribes and the movement of members of federally recognized Indian tribes across the United States border, taking into consideration the unique characteristics of certain federally recognized Indian tribes.

(d) Separate Displays for Mandatory and Discretionary Amounts.—Each analysis under subsection (a) shall include separate displays for proposed mandatory appropriations and proposed discretionary appropriations.

Subtitle I—Tribal Security

SEC. 1451. OFFICE OF TRIBAL SECURITY.

The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by inserting after section 801 the following new sections:

SEC. 802. OFFICE OF TRIBAL SECURITY.

(a) SHORT TITLE.—This section may be cited as the “Tribal Homeland Security Act.”

(b) ESTABLISHMENT.—There is established within the Department of Homeland Security the Office of Tribal Security.

(c) DIRECTOR.—The Office of Tribal Security shall be administered by a Director, who shall be appointed by the President and confirmed by the Senate. The Director shall report to the Secretary of Homeland Security.

(d) DUTIES.—The Director shall be responsible for coordinating relations between the Federal Government and federally recognized Indian tribes on issues relating to homeland security, which shall include the following duties:

(1) Providing a point of contact within Department of Homeland Security which shall be responsible for

(2) Meeting the broad and complex Federal responsibilities owed to federally recognized Indian tribes by the Department of Homeland Security;

(3) Soliciting and, where appropriate, addressing the homeland security concerns of federally recognized Indian tribes and other parties interested in Indian affairs;

(4) Communicating relevant policies of the Department of Homeland Security to federally recognized Indian tribes and the public;

(5) Promoting internal uniformity of Department of Homeland Security policies relating to Indian tribes (as defined in section 1071 of title 18, United States Code);

(6) Coordinating with the Director of Border and Transportation Security and tribal governments to develop a comprehensive border security policy that addresses law enforcement, personnel, and funding issues in Indian country (as defined in section 1071 of title 18, United States Code);

(7) Coordinating with the Director of Border and Transportation Security and tribal governments to develop and implement sound policies regarding Indian country (as defined in section 101 of title 18, United States Code) and tribal governments.

(8) Coordinating with other offices within the Department of Homeland Security to develop and implement sound policies regarding Indian country (as defined in section 101 of title 18, United States Code) and tribal governments.

(9) Directing and Information sharing mechanisms with tribal governments.

(10) Coordinating with the Federal Government and federally recognized Indian tribes across the United States border, taking into consideration the unique characteristics of certain federally recognized Indian tribes.

(b) International Agreements.—The Secretary shall seek to enter into agreements with foreign countries and international organizations to establish standards for the security of maritime cargo containers moving with the intermodal transportation system that is compatible with recommendations of the Maritime Transportation Security Act Subcommittee of the Advisory Committee on Commercial Operations of the Department of Homeland Security, including recommendations relating to obligation to seal, recording of seal changes, modal changes, seal placement, carrier seal verification, and addressing seal anomalies.

(c) Container Targeting Strategy.—

(1) Strategy.—The Secretary shall develop a strategy to improve the ability of the Department of Homeland Security to use information contained in a timely fashion to identify and provide additional review of anomalies in such bills of lading. The strategy shall include a method of contacting shippers in a timely fashion to verify or explain any anomalies in shipping bills of lading.

(2) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection, including information on any additional technologies that will be used to implement the strategy.

(d) Container Security Demonstration Program.—

(1) Program.—The Secretary is authorized to establish and carry out a demonstration program that integrates non-intrusive inspection equipment, including radiation detection equipment and data analysis and inspection equipment, at an appropriate United States seaport, as determined by the Secretary.

(2) Requirement.—The demonstration program shall also evaluate automatic identification methods for containers and vehicles and a data sharing network capable of trans-
First, the substitute makes funding for homeland security a priority. The President's budget and this bill does not fulfill the commitment we made in the 9/11 Act the President signed into law in December, but this substitute meets those challenges.

For example, for just a mere $92 million called for in the 9/11 Act, we could install radiation portal monitors in every port of entry in this country. My substitute offers solutions where the bill does not give the answers. For example, by requiring DHS to put technology in place to ensure that every mile of the border is monitored 24 hours a day, 7 days a week. It protects our ports by authorizing new port security grants. It protects airlines and prevents hijackings by installing new, in-line baggage screening systems that work better and faster. And, in an area where I strongly disagree with the chairman, we fully sponsor the development of research on homeland security.

Finally, my substitute also recognizes that DHS is a new agency and is not perfect. We provide new authority to protect privacy, sponsor diversity, and create a stronger Inspector General. In the end, we are going to call something an authorization bill, let us use it to close genuine security gaps. My substitute will do that; this bill will not.

There can be no more wasted time. We must do what it takes now to make America secure.

Madam Chairman, I reserve the balance of my time.

Mr. COX. Madam Chairman, I rise to claim the time in opposition to the substitute amendment, and I yield myself such time as I may consume.

If my colleague from Mississippi were to indulge me for a moment, I would like to yield the first portion of my time for purposes of a colloquy to the gentleman from Connecticut (Mr. SIMMONS), and I yield to him 1 minute.

Mr. SIMMONS. Madam Chairman, I thank the chairman and the gentleman from Mississippi for all the hard work that they have done to bring this authority to the committee. I fully intend to support the bill as I did in committee, but I would like to take a moment at this time to discuss a concern that Members have, like myself, the gentleman from Connecticut (Mr. SIMMONS), and the gentleman from New York (Mr. King), and ask for the chairman's commitment that the committee will pursue these issues.

We have heard from the Department of Homeland Security employees and their representatives regarding their concerns with our borders regulations that the Department issued in February. Some of these provisions in the regulations are troubling. They limit collective bargaining rights, and they appear to reduce due process standards for employees of the Department. Both of these issues were specifically addressed in the Homeland Security Act that created the Department, and my concern is that the regulations mentioned follow us and do not adhere to the requirements of the act to maintain collective bargaining rights.

I would ask that the committee provide its members with the opportunity to discuss these regulations with officials about these regulations, as well as to provide employees and their representatives the opportunity to give us their views.

Mr. Chairman, I would also ask that if we find these regulations do not follow the mandate of the original law or do not promote fairness and efficiency, that the committee will review these regulations and consider making appropriate changes to the regulations.

Mr. THOMPSON of Mississippi, reclaiming my time, the gentleman from Connecticut raises an important issue. I thank the gentleman for his leadership, but only on this issue, but across the board as an outstanding member and chairman of the Committee on homeland security.

The Acting CHAIRMAN (Mr. LAHOOD). The time of the gentleman from Connecticut (Mr. SIMMONS) has expired.

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

Section 841 of the Homeland Security Act of 2002 authorized the Department of Homeland Security to establish a 21st century human resources management system. That new system, referred to as MAX HR, is designed to allow the Department to respond quickly to homeland security threats, while supporting the Department's employees with modern human resources policies.

I will ensure that the committee conducts a review of the new personnel regulations with special attention, I say to the gentleman, to the concerns that he raised, and I commit to working with him on any appropriate changes to those regulations, in close coordination with the gentleman from Virginia (Chairman DAVIS) of the Committee on Government Reform, which developed the underlying legislation in this area.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I want to commend the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Chairman COX) for their work and leadership on this bill, but I would also especially like to compliment the
The bill does something, and the substitute does something that is very important, and that is, to elevate the attention paid to cybersecurity within the Department.

You know, several years ago when the strategy for cybersecurity was adopted, we had a cyberperson in the White House who drafted that plan and had the attention of the White House.

Since that time, this position has devolved to one that really does not have direct access to decision-makers. In fact, the last person to hold the job, Amit Yoran, from Silicon Valley, quit 1 year to the day after he took the job; and we do not have a permanent replacement for him to this day.

We have got contractors. In fact, the current contractor is not even on the payroll. It is a Carnegie Mellon employee. We need to have attention at the highest level for cybersecurity. Let me be clear. The job of securing cyberspace at DHS is just not getting done.

Recently, Berkley professor Shankar Sastry warned of the possibility of what he called a digital Pearl Harbor. He urged that the Nation act before it is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late. We in Congress must not stand by while our cyberinfrastructure is too late.

The critical duty with which we are faced is to elevate the priority. The substitute and the amendment in the bill and in the substitute. We held over 17 hearings and further briefings, and we heard from the private sector.

I think that is why the following people support our provision: The Business Software Alliance, the Computer and Communications Industry Association, the Cyber Security Industry Alliance, the Financial Services Roundtable, the Higher Education and Information Technology Alliance, the Information Technology Association of America, the Information Technology Leadership Council, the National Association of State Chief Information Officers, the Software and Information Industry Association, Tech Net, and the Association of American Universities, the Association of Research Libraries, the National Association of College and University Business Officers, and the list goes on and on.

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Securing cyberspace must be a national priority. The substitute and the bill do it. And I thank the gentleman from Mississippi (Mr. Thompson) for including it.

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. Rogers).

Mr. ROGERS of Alabama. Mr. Chairman, I rise in opposition to the amendment. As chairman of the Management Integration Over-subcommittee, I have concerns about some of the management changes proposed today.

In my analysis, this amendment would create several conflicting changes. It would modify the roles and responsibilities of several key officials within the Department. It would also limit the Secretary’s flexibility in making organizational decisions.

And, finally, it seems the amendment contains several duplicating and premature measures. For example, this amendment requires the chief information officer to report directly to the Secretary. In the process, it would also give the CIO direct line authority over other chief information officers in agencies throughout the Department.

Now, I agree with my colleague, the gentleman from Mississippi (Mr. Thompson), that it is important we address the reporting and line authority issues. In fact, just last month we held a hearing with these officials to explore ways to improve information sharing within the DHS.

However, we also found other improvements to consider. The chief financial officer, the chief procurement officer, and the chief human capital officer, for example, may also need additional authorities.

So in regards to this amendment, while I agree we need to reassess the internal management issues, I believe they should not be addressed in this type of piecemeal fashion.

Secretary Chertoff has begun a 90-day review of the Department’s programs, policies and operations. Until we hear the results of the Secretary’s review at the end of this month, I believe we should hold off on making these types of changes.

Mr. Chairman, I would also like to point out that the amendment adds $7 billion in unauthorized spending above the bill’s proposed funding level. In addition, the Homeland Security Committee amendment, as written, provides the Secretary the needed flexibility during this top-to-bottom review while ensuring our limited resources are spent wisely.

Therefore, I urge my colleagues to oppose the pending amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Chairman, James Carafoano, who is a homeland security researcher, said recently that technology is not a substitute for strategy.

And we know, as has been earlier reported this month by Eric Lipton, and he wrote the following, “After spending more than $4.5 billion on screening devices to monitor the Nation’s ports and borders and airports and mail and air, the Federal Government is moving to replace or alter most of the antiterrorism equipment, concluding that it is ineffective, unreliable, or too expensive to operate.”

He went on to say: “Each of those areas where we have missed the mark.” That is why I think this substitute should be given great consideration by all of us, not only those that serve on the Homeland Security Committee.

We have a unity of purpose here. Do not translate, do not interpret this substitute as breaking that commitment that we have made to that unity of purpose. And I want to commend my good friend, the gentleman from Mississippi (Mr. Thompson), who stood up to show that we need a gentleman from California (Chairman Cox) through all of these hearings that we have been having.

But, the ranking member, the gentleman from Mississippi (Mr. Thompson), your steady leadership on our committee is going to go a long way beyond our vote today. I applaud you for offering a substitute.

The Department of Homeland Security was formed because of the catastrophic terrorist attack on September 11. Our joint mission now is to help prevent and respond to any potential future assault.

Nothing that we do here in Washington is more important. Nothing. The critical duty with which we are charged warrants legislative proposals that are as comprehensive and judicious as possible. The substitute succeeds in this regard. It makes America safer.

For example, the substitute requires a comprehensive border protection plan. We all agree on that. It puts technology in place to monitor the entire border all the time, not some of the time.

Secures the chemical plants. We have even had an amendment to that effect. Makes vital port and transit security improvements and creates necessary structural changes at the Department of Homeland Security. We all agree on that.

We know that the State and local governments need as much help as possible to meet their urgent security needs. We note that first responders require an array of assistance to help them achieve even a baseline level of readiness. The substitute addresses this. For example, we authorize $500 million in grants for interoperability communications equipment to our men and women on the frontlines.

As the 9/11 report states, again, we go back to what we consider to be the dic-tionary term for us to look at: “Compatible and adequate communications among public safety organizations at the local, State and Federal levels remains an important problem.”
Our legislation should reflect what is in the 9/11 report and nothing less and nothing more. Yet the Congress has done nothing to address this. Indeed, many provisions signed into law by last year’s 9/11 Act, a bipartisan measure and one which we have expressed support for, and followed by this administration. We voted on it. Where is the power of both bodies involved in our unity of purpose?

What is the use if we vote, both sides of the aisle, and the administration does not follow through? This substitute attempts to remedy this situation. We authorize additional border agents. We mandate risk assessment for chemical and nuclear plants, and we assure that port and rail are adequately secured. We all agree on these things.

We know that there can be no more wasted time. We must do what it takes now to make our country safe, stronger, and more secure. This substitute does make our Homeland Security. I implore my colleagues on both sides of the aisle to vote “aye.”

Mr. COX. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank our ranking member, the gentleman from Mississippi (Mr. THOMPSON), for being such a great leader on this new committee, for being bipartisan, and for being an advocate for a safe and secure America.

Unfortunately, I rise in option to this amendment, the Thompson substitute, not so much because of what it does, but because of what it fails to do.

My reading of the amendment suggests that it does not incorporate many of the provisions of the Homeland Security Authorization Act that passed unamended and by voice vote in the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, of which I am the chairman.

For example, personnel flexibility, such as bonuses for the Information Analysis and Infrastructure Protection Directorate, so we can attract the best and brightest young people into this Department to engage in good productive intelligence activities, you cannot have good intelligence activities without good people. And those personnel flexibilities are lacking. I do not see any provision requiring that the office of information analysis receive all terrorist threat information from components within DHS, which goes to the heart of information sharing.

One of the great tragedies of 9/11 is that so many recommendations of our government did not share information; and perhaps if they had, we could have avoided that tragedy.

I do not see any recommendations with regard to the color-coded homeland security advisory system, which so many of us feel is confusing to the American people, and which we recommended be more risk-based, regional, and focused so that people have a realistic picture of what the risks may be on any particular day when there is an alert.

All of the work on open-source intelligence, which I believe is so critical to strengthening our intelligence capabilities nationally, I do not see them in there. And so it does not appear to me to address some very fundamental issues relative to the intelligence piece of the Department of Homeland Security which we build.

On this basis, Mr. Chairman, I would like to reluctantly urge my colleagues to vote against the substitute.

(Mr. DICKS asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. DICKS. Mr. Chairman, I rise today in support of this legislation and the Democratic Substitute being offered by the gentleman from Mississippi. I would like to commend the Chairman and Ranking Member of the Committee on Homeland Security for bringing this bill to the floor—the first authorizing bill for the Department of Homeland Security since the Department was created.

This bill does many good things. It authorizes additional funding to cover the full cost of hiring an additional two thousand border patrol agents in order to meet the first year target established in the Intelligence Reform bill last year. Regrettably, the appropriations bill that passed the House yesterday fell short of actually finding these critically needed personnel by 500. But that does not diminish this accomplishment in the bill. This bill contains several important provisions that will help to fix the Directorate for Intelligence Analysis and Infrastructure Protection, which, in my judgment, has struggled the most to find its direction in the new department. And the bill raises the level of our government’s top cybersecurity official to an Assistant Secretary within IAIP, something that should have been done when the Department was created.

This bill makes progress in some key areas, and I intend to support it, but I regret that it falls short in a number of critical areas, leaving us terribly vulnerable on many fronts.

Cargo security on the air and on the sea, have not been adequately addressed in this legislation. Our Nation’s plan to secure cargo containers, I believe, makes sense; but it relies entirely on knowing—and trusting—the people that are packing the containers overseas. Customs and Border Protection is way behind in certifying participants in the C-T PAT program, and this bill does not authorize adequate funding to accelerate the process of validating the applications of those who are already gaining the benefits. My friend from California, Mr. HUARACHE, sought to propose an amendment to address this problem, but the rule did not allow for its consideration, a serious oversight.

And there is absolutely no excuse for permitting unscreened cargo onto passenger aircraft. We do not see any provision requiring that the office of information analysis receive all terrorist threat information from components within DHS, which goes to the heart of information sharing.

One of the great tragedies of 9/11 is that so many recommendations of our government did not share information; and perhaps if they had, we could have avoided that tragedy.

I do not see any recommendations with regard to the color-coded homeland security advisory system, which so many of us feel is confusing to the American people, and which we recommended be more risk-based, real grassroots.
installation of radiation portal monitors at all ports of entry. This is a key step in our efforts to keep dangerous materials out of our borders.

Finally, this substitute makes significant progress in addressing critical infrastructure protection. It provides funding for an assessment of risks to nuclear and chemical plants and requires that chemical plants capable of threatening a large number of people in the worst-case situation take steps to increase implement safer technologies when feasible.

Just as importantly, the amendment sets deadlines for completion of a list of high-priority critical infrastructure assets. Now, this list should be the very basis for our Nation’s security plans and funding decisions, and there is no excuse for the continuing delays in its completion.

Mr. Chairman, while we are indeed safer today than we were on September 11, the truth is that there still remains a significant security gap that must be filled.

The Thompson substitute takes a comprehensive approach to addressing these vulnerabilities, and I urge my colleagues to support it.

As the chairman of the Subcommittee on the Prevention of Nuclear and Biological Attack, I want to point out that the minority’s substitute proposal is not, contrary to its title, complete, especially in the area of nuclear terrorism.

Mr. Chairman, while some consider the probability of nuclear attack to be low, I fear that this lax position could have devastating consequences on the United States. The terrorist organization were to smuggle and detonate a kiloton nuclear device, which is not unreasonable for a basic terrorist bomb, in downtown Manhattan, it would immediately kill more than half a million people. The consequences, however, would not stop with the tragic loss of life.

The New York Stock Exchange could lose trillions in business transactions alone and the world’s financial markets could immediately cripple. Cleaning up the radioactive mess could cost billions, if not trillions, of dollars and take years to complete. We could, in essence, witness a total economic meltdown in the United States.

The Thompson substitute does little to prevent such a catastrophe. H.R. 1817 does.

Section 105 of H.R. 1817, for example, authorizes funding for a Nuclear Detection Office within the Department to coordinate and advance weapons of mass destruction detection efforts domestically as well as abroad. The Thompson substitute does not.

In addition, section 213 of H.R. 1817 revises the 2002 Homeland Security Act to ensure that the appropriate analytical expertise is employed by the Directorate of Information Analysis and Infrastructure Protection in the Department of Homeland Security in the event of specific threats. Invoking use of nuclear weapons or biological agents to inflict mass casualties. The Thompson substitute does not.

Furthermore, section 214 of H.R. 1817 establishes an entity within the Department that will be responsible for alternative strategies to ensure that the government’s efforts at our borders and at foreign ports to prevent the importation and subsequent use of nuclear weapons or biological agents are actually effective. The Thompson substitute does not.

Mr. Speaker, I cannot imagine a scenario whereby this government has to answer the question of how we failed to prevent an attack by terrorists using a weapon of mass destruction on the United States. Such an attack is much too important and too critical for our national security to simply include it as a footnote in a 220-page substitute. I can assure my colleagues that my subcommittee will in the coming months work to produce legislation that focuses on the Department’s attention on preventing such catastrophic terrorist events.

H.R. 1817 is not the final word on this issue, but it is an important first step, and as such, I encourage my colleagues to join me in opposing the Thompson substitute and supporting H.R. 1817.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Mississippi (Mr. THOMPSON) for yielding me time.

Mr. Chairman, despite the expenditure of billions of dollars on homeland security since September 11, the reality is that America’s ports, chemical facilities, transportation systems and critical infrastructure are still to this day vulnerable to attack.

Are we better off? Yes. Are we where we need to be? No.

As Stephen Flynn, the former U.S. Coast Guard Commander and a foremost expert on homeland security, stated a few months ago on Meet the Press, “The measures we have been cobbling together are hardly fit to deter the sophisticated criminals and hackers, never mind determined terrorists.”

This Congress can and must, Mr. Chairman, do more to protect our citizens from attack at home, even as we take the fight to our enemies abroad.

That is what the Thompson substitute does.

It provides $6.9 billion more than the Republican bill, including funding to fulfill our homeland security commitments in the Intelligence Reform Act.

It includes $1 billion for grants for port, rail, transit and bus security, critical priorities; $380 million to hire 2,000 new border agents; and $500 million to ensure that first responders can communicate with one another.

It requires a plan to ensure that all air cargo on passenger planes is screened, giving sufficient time to develop the requisite technologies, and it sets deadlines for establishing security plans for critical infrastructures.

Republicans and I are objecting to the funding level in our substitute, but let us put it in perspective, Mr. Chairman.

This additional funding is nearly $2 billion less than the funding the Bush administration has failed to account for, some $3.8 billion, in Iraq. Mr. Chairman, if the Bush administration can lose track of nearly $9 billion in Iraq, I submit that we ought to be able to find $6.9 billion to make this Nation, its people, its communities and its families safer and more secure.

I urge my colleagues to support the Thompson substitute.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), but before I yield, Mr. Chairman, can the Chair tell me how much time remains on our side?

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from California (Mr. COX) has 11 minutes remaining.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman from California. Mr. Chairman, I thank the gentleman for yielding me time.

Once again, I want to thank both the gentleman from Mississippi (Mr. THOMPSON), the ranking member, and the chairman of our committee for the fine work they did in producing the bipartisan base bill, but I rise in opposition to the ranking member’s substitute amendment.

This 221-page substitute amendment offered in the nature of a substitute to the 60-page base bill that we have is significantly more extensive than what was presented on the floor, and the explanation has been presented on both sides as to why this is the case. However, I would like to refer specifically to the comments of the gentleman from Maryland about the additional cost involved in the substitute, nearly $7 billion.

The American people have told us they do want us to do what is necessary for homeland security, but they also said they want us to spend our money wisely. Press reports, as well as our own examination, has shown that there is in the pipeline in homeland security approximately $7 billion that is unspent. The answer is not to come in here and, therefore, in increase the base by $7 billion, which is $7 billion over the President’s budget, $7 billion over the House passed budget, which, therefore, somehow tries to make a statement that more money spent is obviously going to be better.

We need to make sure that the Department of Homeland Security is setting the priorities that are necessary,
is spending the money in the appropriate ways and answers the question why money is stuck in the pipeline. I would suggest the way to do that is not to give them an additional $7 billion somehow as some sort of attraction. I see how they have not spent that $7 billion, that extra $7 billion that is out there.

Let me just say that the provisions in this substitute constitute sweeping changes, sweeping comprehensive changes, a responsibility mission and funding for the Department over and above what our bipartisan committee presented in the base bill. Such changes cannot be made, I would suggest, in this type of setting without full debate, certainly more than 40 minutes, and consideration of a possible alternatives and consequences.

There are important questions here. How do we provide security in the area of the chemical industry? The chemical security portion of this amendment requires sweeping regulation of the chemical industry by the Department of Homeland Security. Maybe that is appropriate, maybe it is not. I do not think we have the basis to make a judgment on this. I would also suggest that we need a more inductive regulation of our chemical infrastructure security. It places unnecessary burdens on potentially thousands of sites that may or may not be the sites at risk that we should be focusing on. Again, it is a question on substance.

It ignores the concept of examining high risk to effectively target our security resources. One of the things I thought we had done as a bipartisan committee was come to the conclusion that we really have to be very careful and demand that we set proper priorities, that we cannot go out and try to protect everything; we have to protect those things that are most vulnerable, those things that have the greatest threat. Things that have the worst consequences, I would suggest that this substitute does not do that. I thank the gentleman for the time that he extended to me.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman, as a member of the Subcommittee on Emergency Preparedness, Science, and Technology, I rise in opposition to the EPS&T provisions in the Thompson substitute.

The base bill presents well-thought-out solutions to real terrorist threats by prioritizing and maximizing how U.S. tax dollars are spent. The Thompson substitute does not prioritize spending. It does not recognize that not all threats are created equal. It does not exercise any fiscal restraint whatsoever. It just throws a lot of money at problems. Such an approach does not enhance our Nation's security or provide adequate support for our dedicated first responders.

The emergency preparedness, science, and technology, EPS&T, provisions in the Thompson substitute address important issues, but are ill-conceived and fraught with unintended consequences.

For example, subtitle A of title VII would establish a new, separate grant interoperability program. It is ill-advised. A new program will encourage inconsistencies in communication systems purchased with Federal grants and, unfortunately, dilute funding for other critical grant programs.

This program is also not needed. In fact, in fiscal year 2006, $20 million for interoperability programs, the single largest use of grant funding with more than $6 billion in the pipeline, is unspent and unobligated, to State and local government available for first responders.

Subtitle D of title VII would establish a parallel EMS bureaucracy within the Department's Emergency Preparedness and Response, EP&R, Directorate. Such a new bureaucracy will not enhance the coordination of the EMS entities already exist within the Department of Transportation and the U.S. Fire Administration of the EP&R Directorate. This provision is also premature and will undercut the Department's efforts to implement organizational reform.

Subtitle G of title VII would authorize the Metropolitan Medical Response System. Yet, MMRS, which provides funding to U.S. cities to develop plans and capabilities for coping with the medical consequences of a terrorist attack involving weapons of mass destruction is nearly complete. Since its inception in 1997, the program has assisted 124 cities in establishing such plans and capabilities.

There is simply no need to maintain MMRS as a separate grant program. Indeed, the funds provided under other existing grant programs, such as the State Homeland Security Grant Program and the Urban Area Security Initiative, may be used for such purposes.

For these and other reasons, I urge my colleagues to vote against the Thompson substitute.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. Christensen).

(Mrs. Christensen asked and was given permission to revise and extend her remarks.)
land Security, my friend CHRIS COX for fulfilling his promise to establish an annual legislative review of the Department of Homeland Security. It has been an honor and a distinct pleasure to work with Chairman Cox, first as a member of the Select Committee on Homeland Security in the last Congress and again in this Congress on the permanent Committee.

Over the past nearly two and a half years, our committee has traveled across the country meeting with the men and women on the front lines of defending our homeland. The bill before us today as well as the Faster and Smarter Funding for First Responders Act which we debated and passed last week are largely the product of these efforts.

Included in the Thompson substitute, Mr. Chairman, is an amendment I sponsored during the markup of H.R. 1817 in committee, to provide for a border patrol unit in the Virgin Islands—the number one priority of all of the law enforcement first responders in my district and the single most important missing ingredient in the defense of the Territory and yet another weak link in the protection of our Nation.

With over 175 miles of unprotected and open borders, the Virgin Islands is today the gateway to the U.S. and our Nation's southernmost border. It is also increasingly becoming the gateway of choice to the U.S. for human smugglers.

Since 1998 hundreds of Chinese nationals have entered the U.S. Virgin Islands, but there are many more from other countries of the Caribbean and South America and the Middle East as well.

Those dropping the aliens ashore have identified the Virgin Islands as an area from which illegals can try to travel undetected to the U.S. mainland. In fact, the Coast Guard, this past February 29th, detained 72 illegal immigrants on St. Thomas.

Because of the lack of a Border Patrol Unit in the territory other federal agencies such as Immigration and Customs Enforcement (ICE) have to spend a significant amount of man-hours apprehending, processing, detaining and watching aliens in custody.

ICE has to use between 6 and 8 agents in every group of 75 aliens. At a rate of on average 3 to 4 landing per month more than 80 hours are spent processing these aliens. Time which could be used to investigate conspiracies, smuggling organizations and dismantling rings.

In addition, our local Police Department, Fish and Wildlife, and the National Park Service also have to utilize their stretched resources and personnel to respond and assist.

Mr. Chairman, having a Border Patrol Unit assigned to the Virgin Islands would also enable us to deal with the other serious problems we face which is drug smuggling. ICE has identified several trafficking organizations that use the USVI to conduct drug smuggling operations, with marihuana, cocaine and heroin being shipped to the territory on a weekly basis. And we know, Mr. Chairman, of the connection and relationship between drugs and terrorism.

Mr. Chairman, I want to thank Chairman Cox for agreeing to include language in the report of H.R. 1817, to encourage DHS to station some of the additional 2000 Boarider Patrol agents called for in the bill in the Virgin Islands. I also want to thank him for amending the title of the Office of State and Local Coordination in the Office of State, Local and Tribal Coordination in response to another amendment I offered in committee in recognition of the sovereign nature of our Tribal Nations.

Mr. Chairman, H.R. 1817 is a good bill. I am proud to have been a part of its development as a member of the Homeland Security Committee. I would nonetheless urge my colleagues to support the substitute offered by Ranking Member BENNIE THOMPSON because it makes significant improvements in key areas including fulfilling our commitments in the Intelligence and Information Assurance mission as well as new security measures for rail and public transit biometrics and other screening measures.

I urge my colleagues to support the Thompson substitute.

Mr. COX. Mr. Chairman, may I inquire as to how much time remains on the other side.

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from California (Mr. COX) has 5 minutes remaining, and the gentleman from Mississippi (Mr. THOMPSON) has 2 1/2 minutes remaining.

Mr. COX. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I want to thank the ranking member and the other members of the committee right in the teeth of this debate about the differences between the base bill and the Democratic substitute simply to remind us what we agree about. We agree about the base bill. And what we are talking about doing in the Democratic substitute is, in some part, restating the base bill and, in some part, adding money to it to go further.

One of the principles that I hope we can establish in this annual authorization process is that when we bring a bipartisan DHS authorization bill to the floor, that bill is within the House-passed budget; it bears a close resemblance to the appropriations process, and this year we have a unique circumstance where we are on the floor literally 1 day after the homeland security appropriation bill has passed, so we know exactly what kind of money we are dealing with so that when we impose priorities on the executive branch and we provide policy guidance to the Department of Homeland Security, we are doing so in the real world, not in a fantasy world with pretend numbers and budget resources that simply do not exist.

The only real objection that I have to the Democratic substitute, because I agree with a great deal of the policy, is that it takes $7 billion from thin air and adds it on top of, not in substitute for, the provisions of the base bill. As a result, it is not about setting priorities; it is not a wish list without any sense of priority.

I would say that it abdicates the responsibility of the authorizing committee and places all the burden on the appropriators were it not for the fact that we just voted on the appropriation bill yesterday. So every single Member knows that this is not a real $7 billion we are playing with here.

Rather than being called the Complete Homeland Security Act, it might be called the Death By Report Act because it does not help the Department of Homeland Security to run down terrorists; it instead sends them off on a mission to fill out reports. This substitute, in one of its key differences from the base text, is very heavy on reports and on plans and on studies and on assessments. It includes no fewer than 61 new initial reports, annual reports, follow-up reports, plans, strategies, studies, and reviews. That is not congressional direction; it is congressional misdirection.

There has got to be a focus on preventing terrorism, on doing the job, this most important, fundamental national security mission that we have assigned to the Department to do, rather than filling it up with paperwork. The substitute itself is 226 pages long, and in some respects it is not ready for action by the full House because its provisions have not yet been vetted even in hearings in subcommittee or full committee before the Department.

I daresay that some of those things, such as port security, chemical plant security, and on and on, are policies with which I would agree. The things that we intend to do as a committee this year. I have stated over and over, as recently as yesterday before the Committee on Rules, that because this is the first authorization bill for a Department which itself has existed for only 2 years, and which was thoroughly authorized in a charter written from top to bottom by this Congress just a few years ago, this bill is smaller this year than it will ever be in future years.

Moreover, because the Secretary is in the midst of his 90-day review of the Department's operation top to bottom as he takes the helm of what for him is a brand-new responsibility, we are trying to give him a few days more, he is due to report to us in June, to give us his roadmap. And that means we will be back on this floor with more authorizing legislation on the very subjects covered by the substitute amendment.

For all those reasons, I respectfully, but strongly, oppose this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from the District of Columbia (Ms. NORTON).

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

The Thompson substitute is necessary. It fills great holes in our major bill. There is not one dollar in this bill for the transportation that America
uses to go to work: rail, light rail, buses, subways, ferries. Yet even after Madrid, we are not dealing with the al Qaeda favorite. One-third of all the attacks has been on public transportation.

Chemicals within four blocks of the Capitol. Explosives. One car, 14 miles. If one attack occurred, 100,000 people dead in a half-hour. How can we reauthorize or authorize the first homeland security bill without having any section on rail security? I do not think we can.

The American people deserve better. The Thompson substitute is clearly superior.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. Waters).

Ms. WATERS. Mr. Chairman, I rise in support certainly of H.R. 1817, but it is not enough. It is not good enough.

This administration claims to make fighting terrorism its top priority, and that is why we set up the Department of Homeland Security. You are not supposed to tell us from homeland security what it is we cannot do, but what we can do.

I agree that maybe Secretary Ridge did not have enough information, did not have enough at his disposal, so he told us about the alerts; the yellow lights, the orange and the red and all of that; told us to go out and buy flashlights, duct tape, water, and plastic sheeting. But it is time to get serious. Homeland security should not be a sound bite or a reelection strategy. We have got to do something about the border. This President promised us 2,000 border agents. We have citizens who have taken it upon themselves to protect our border, and here we are talking about we do not have enough money to fund 2,000 agents when we are giving a bonus to Halliburton. Give me a break.

We need money for first responders. We need money for our ports and our containers. This substitute will help to fill that gap. It is time we put our money where our mouths are.

The Acting CHAIRMAN. The gentleman from Mississippi (Mr. Thompson) has 30 seconds remaining.

Mr. COX. Mr. Chairman, I would be pleased to yield 30 seconds to the gentleman from Mississippi.

The Acting CHAIRMAN. The gentleman from Mississippi has 1 minute.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. Pallone).

Mr. PALLONE. Mr. Chairman, immediate action should have been taken on chemical plant security after the wake-up call we got from the 9/11 attacks. I have introduced the Chemical Security Act in the past two Congresses, but the House has never considered my legislation.

Across the country, the EPA has identified 123 facilities where a toxic gas release due to a terrorist attack could injure or kill more than 1 million people. The Thompson substitute would give the problem of chemical security plants and their security the attention it needs, and I would urge the House to adopt the Thompson substitute for that provision and all the other reasons that have been given here today.

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

Mr. COX. Mr. Chairman, I yield to the gentleman from California.

Mr. COX. Mr. Chairman, I would simply say to the gentleman from New Jersey that the point he raises about chemical security is an extremely important one, and I wanted to make sure that all the Members knew that on June 14 the Committee on Homeland Security will be having a hearing on that very topic. We intend, in the balance of this year, to go very deeply into our responsibilities for chemical plant security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a substitute that is complete. If you look at it, it addresses all the vulnerabilities of our country; and I ask the body to support it.

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

Mr. Chairman, I spoke just a moment ago about some of the provisions in this bill that, in my view, do not belong there. There is the billion dollars that has no offset and, therefore, breaks the House-passed budget and is completely out of sync with the homeland security appropriation bill for which we had a large, nearly unanimous bipartisan vote yesterday.

But I would like to talk in the remaining seconds available about what this bill, the Thompson substitute, does not do. It does not incorporate, inexplicably, many of the bipartisan provisions that we have agreed upon in the base bill. I have to believe that that was a drafting oversight; but were we to substitute for the base bill, we would lose the provisions that give, for example, flexibilities to the Information Analysis Office in the Department of Homeland Security to hire more intelligence agencies, something that has been a big priority of our committee for 3 years now. We would lose the reforms of the color-coded Homeland Security Advisory System, which both Republicans and Democrats have agreed upon.

As a result, we would be far better off to stick with the bipartisan provisions that are in the bill, rather than in the provisions that appear in the Thompson substitute. I urge Members to reject the substitute.

Mr. ORTIZ. Mr. Chairman, as so many of you know, I represent a border district and am a former law enforcement officer. For the last two years, I have had the honor of you about my concerns about border security, based on things I am hearing from border law enforcement officers.

I rise in support of the gentleman from Mississippi's substitute, which contains the amendment the Rules Committee yesterday disallowed from consideration by the House. Mr. Thompson's substitute draws from some ideas included in a border security bill I introduced earlier this year.

So many of my constituents—and our colleagues here in Congress—are profoundly frustrated with the budget-driven nature of our border security. This amendment requires the Department of Homeland Security to develop and implement a Comprehensive Border Strategy to secure U.S. borders—one that focuses on the needs of our national and border security rather than on the cost.

This amendment seeks a comprehensive approach that considers: staffing, infrastructure, technology, coordination of intelligence among agencies, legal responsibilities, jurisdictional issues, apprehension statistics, budgetary consequences, and the impact on the flow of commerce and legitimate travelers. It also requires implementation of the “American Shield Initiative” to address vulnerabilities between the ports-of-entry, which remains largely unaddressed since 9-11.

I urge all of us to focus our attention on a comprehensive border security policy by both authorizing and appropriating the necessary funds to secure our borders. The men and women who protect our border do an extraordinary job.

We owe them full funding of the security initiatives we determine are necessary for the protection of the people and places that we hold dear in the United States. It is simply not enough to talk about border security, it is an urgent matter for us to put our money where our mouth is when it comes to protecting our border and our National Security.

I urge my colleagues to support this amendment—and I thank Mr. Thompson, Mr. Stupak, and Mr. Reyes for their leadership on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the amendment in Nature of a Substitute as offered by the distinguished Ranking Member of the Homeland Security Committee, the gentleman from Mississippi. It provides for $6.9 billion (billion) for Homeland Security, including the funding needed to fulfill the homeland security commitments in the Intelligence Reform and Terrorism Prevention Act of 2004 and to meet other priorities.

Of the priorities that it proposes to meet is $380 million to hire 2,000 new border agents. As the Ranking Democrat of the Judiciary Committee on Immigration, Border Security, and Claims, I understand the gravity of this allocation and how irresponsible it would be to cut it from the base bill. First Responder communications is funded under the Amendment in the amount of $500 million. As a major proponent of the Citizen Corps Council model that was created by President Bush himself but not funded, I appreciate the value of including those funds to improve communications systems for our front line personnel.

In addition, the Thompson substitute would provide $1 billion in grants for port, rail, transit, and bus security. These aspects of our transportation system have been given inadequate attention by the underlying bill. Again, with respect to aiding our first responders, the Thompson substitute would allocate $150 million to restore funding for FIRE Act grants.
Amidst the contentious debate about aviation security and the question as to the adequacy of our screening processes, Ranking Member THOMPSON seeks to attack the root of the issue by providing $418 million for aviation security research.

In terms of overall policy provisions, the Amendment calls for a comprehensive border strategy and technology that would monitor the entire border 24/7; new authority to ensure chemical plants are secured; a 3-year plan to ensure all air cargo on passenger planes is screened; maritime cargo container security standards; new security measures for rail and public transit deadlines for establishing security plans for all critical infrastructure improvements in biometrics and other screening technologies a new DHS council to monitor domestic terrorism; creation of an Assistant Secretary of Cybersecurity; and changes to DHS to ensure its operations are diverse and manageable.

Mr. Chairman, the Thompson substitute is a prudent, comprehensive, and responsible alternative to that offered by the Chairman of the House Committee. I support it fully and ask that my colleagues join me.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the Thompson amendment in the nature of a substitute. This amendment sets forth a comprehensive, integrated policy to protect our country’s security. This amendment is a true substitute amendment and covers important areas where Federal security plans are sorely needed—such as rail and transit transportation—that are omitted from the underlying bill. Frankly, the Thompson amendment demonstrates that the Democrats in this body have the better plan for securing our Nation.

I’d like to thank the Ranking Member of the Committee on Homeland Security, Congress- man THOMPSON, for actively working with me to develop this comprehensive amendment. In particular, I’d like to thank him for recognizing the important role that the Department of Transportation (DOT) has in devising and implementing transportation security regulations. DOT has extensive experience in security and has the ability to provide a cost-efficient and safe means of transportation. For transportation security to work well, it is imperative that the Department of Homeland Security (DHS) and DOT work on security plans in tandem. The transportation provisions in this amendment ensure that the Department of Homeland Security and Department of Transportation will work together to ensure that this Nation has the strongest, most cost-effective homeland security procedures, which do not unnecessarily undermine efficiency or compromise safety.

I’d like to highlight some of these provisions. Section 518 of the amendment is the language from H.R. 1496, a bipartisan bill which I cosponsored and which was reported by the Transportation and Infrastructure Committee in April, to allow general aviation to return to National Airport. Opening National Airport to general aviation is long overdue.

In Vision 100, reported by the Transportation Committee and passed by Congress in 2003, Congress mandated that National Airport be open to general aviation after a security plan is established. To date, this Administration has not taken action to comply with this directive. I am disappointed that the Administration has avoided reopening general aviation at National Airport for this long, and this legislation is necessary to fully restore our transportation system, and our economy.

Further, I strongly support Title VI of the Thompson amendment. This title provides for transit security and passenger and freight rail security. Again, rail and transit security are areas where DOT and DHS must work together. This amendment would provide for that.

Subtitle B is taken directly from H.R. 2351, the “Rail Security Act of 2005,” which I introduced earlier this month. It requires that within 180 days of enactment, the Secretaries of Homeland Security and the Secretary of Transportation shall develop and implement a railroad security assessment, a railroad security plan, and prioritized recommendations for improving railroad security. The amendment also requires the Secretary of Homeland Security and the Secretary of Transportation to execute a memorandum of agreement governing the roles and responsibilities of their Departments in addressing railroad transportation security matters.

Moreover, this amendment focuses on an issue that security bills often ignore: the importance of ensuring that key workers have the support and training required to protect our rail system, whether those workers are railroad employees or emergency responders. Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain train and signal systems, dispatch trains, operate bridges, and repair cars. They are in the most direct position to spot security risks and potential threats.

This bill requires rail carriers to provide security training and support and training required to protect our rail system. It requires that they are prepared to take appropriate action against threats conditions.

While I do support most of these provisions in the Thompson amendment, I have serious concerns about one particular section. Section 519 would mandate that 100 percent of air cargo on passenger planes be physically inspected. While ensuring the security of air cargo is a laudable goal, this mandate is not the best way to accomplish that goal. The effect of this amendment would be to force air carriers to remove air cargo from passenger aircraft, jeopardizing 27,000 direct jobs and $4 billion in annual revenue.

No available technology exists today to efficiently and effectively screen all air cargo for explosives. Most of the cargo screening technologies referenced by those in favor of this amendment are basic or high energy x-ray systems, which currently are not certified explosive detection systems (EDS) for cargo. U.S. airlines have implemented significant cargo inspection and screening measures to ensure the safety and security of air cargo transported and enforced by TSA. First, only known shippers (shippers who are part of the Known Shipper database) may ship cargo on passenger aircraft. Second, all cargo is subject to random inspection. In addition, U.S. airlines have collaborated with TSA and the U.S. Postal Service to develop and implement an alternate screening program for mail carried on passenger airlines. The airlines continue to assist TSA in programs to evaluate the utility of explosive detection systems (EDS) and canines for cargo screening. These programs are the best methods available for ensuring cargo security workers have the tools they need to do their jobs.

However, Mr. Chairman, my concerns about the cargo security provision are outweighed by the many good security provisions in the amendment. I support the Thompson amendment. It is a comprehensive approach to providing the best security for our Nation. I urge its passage.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi (Mr. THOMPSON).

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Mississippi (Mr. THOMPSON) will be postponed.
Messrs. McHUGH, HEPLEY, COSTA, GOODE, Ms. BEAN, Ms. GRANGER, Mr. STEARNS, and Mrs. MYRICK, changed their vote from "aye" to "no."

Mr. DeFazio, Ms. HOOLEY, Mr. BOYD and Mr. DAVIS of Tennessee, voted "no."

The amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further question is pending and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 65, not voting 5, as follows:

[Roll No. 184]

AYES—383

Abercrombie

Acosta

Mack

Garcia

Slaughter

Brown (TX)

Mills (WV)

Skelton

Smith (NJ)

Smith (TX)

Smith (WV)

Simmons

Watkins

Brown (SC)

Mills (MS)

Smith (OK)

Smith (WI)

Smith (WY)

Slaughter

Brown (NC)

Mills (MN)

Smith (Miller (NC)

Mills (PA)

Smith (MI)

Smith (MN)

Smith (TN)

Slaughter

Brown (CO)

Mills (IL)

Smith (MT)

Smith (NE)

Smith (RI)

Slaughter

Brown (CT)

Mills (MS)

Smith (OH)

Smith (ND)

Smith (SC)

Slaughter

Brown (RI)

Mills (GA)

Smith (OR)

Smith (OH)

Smith (VT)

Slaughter

Brown (WV)

Mills (KY)

Smith (PA)

Smith (WY)

Smith (VT)

Slaughter

Brown (CA)

Mills (ME)

Smith (RI)

Smith (WI)

Smith (WY)

Slaughter

Brown (NY)

Mills (ME)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WI)

Mills (NV)

Smith (CT)

Smith (WY)

Smith (VT)

Slaughter

Brown (OR)

Mills (NE)

Smith (RI)

Smith (WI)

Smith (WY)

Slaughter

Brown (WA)

Mills (NH)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (VT)

Mills (NC)

Smith (RI)

Smith (WI)

Smith (WY)

Slaughter

Brown (WI)

Mills (VT)

Smith (RI)

Smith (WI)

Smith (WY)

Slaughter

Brown (WI)

Mills (IA)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WV)

Mills (IL)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WV)

Mills (IN)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WV)

Mills (KY)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WY)

Mills (NJ)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WY)

Mills (NM)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WY)

Mills (NV)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

Brown (WY)

Mills (NY)

Smith (TN)

Smith (WY)

Smith (VT)

Slaughter

**CONGRESSIONAL RECORD—HOUSE**
Mr. FORD changed his vote from “aye” to “no.”
Mr. SHERMAN changed his vote from “no” to “aye.”
So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. NOWOOD

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Texas (Mr. NOWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. PORTER changed his vote from “no” to “aye.”
So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentle-
woman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 245, not voting 6, as follows:

[Roll No. 186]

AYES—182

| AYES—242 |

| Abercorn, Jackie | Ackerman, Steve | Allen, Jim | Andrews, Gary | Baird, Zachary | Baldwin, Steve | Barrow, Joe | Bartlett (SC), Tim | Bass, Thomas | Baucus, Chuck | Beatty, Bruce | Becerra, Xavier | Bech whether, James | Benefield, Ross | Bernier, Stephen | Biggers, John | Bilirakis, Michael | Bishop (NY), Mike | Bishop (UT), Steve |
MS. BEAN changed her vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

**AMENDMENT NO. 21 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMPSON OF MISSISSIPPI**

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 21 in the nature of a substitute offered by the gentleman from Mississippi (Mr. Thompson) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute. The Clerk redesignated the amendment in the nature of a substitute.

**RECORDED VOTE**

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 7, as follows:

| Roll No. 187 | AYES—196 |

**NOES—230**
The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of Mississippi moves to reconsider the bill H. R. 283, he reported the bill back to the House with the following amendment:

At the end of the bill, add the following:

TITLE VI—ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 601. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

To carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $200,000,000 for fiscal year 2006 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 602. BIOMETRIC CENTER OF EXCELLENCE.

To carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $100,000,000 for fiscal year 2006 for the establishment by the Secretary of Homeland Security of a biometric center of excellence that will develop and expedite the Federal Government’s use of biometric identification technology.

SEC. 603. PORTAL DETECTION SYSTEMS.

To carry out section 44925 of title 49, United States Code, there is authorized to be appropriated $1,000,000 for fiscal year 2006 for the establishment by the Secretary of Homeland Security for the use of the Transportation Security Administration for the installation of portal detection systems and other devices at the U.S./Mexican border.

SEC. 603. PORTAL DETECTION SYSTEMS.

To carry out section 44925 of title 49, United States Code, there is authorized to be appropriated $1,000,000 for fiscal year 2006 for the establishment by the Secretary of Homeland Security for the use of the Transportation Security Administration for the installation of portal detection systems and other devices at the U.S./Mexican border.

SEC. 604. IN-LINE CHECKED BAGGAGE SCREENING.

To carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3724), there is authorized to be appropriated $20,000,000 for fiscal year 2006 for the installation of in-line checked baggage screening systems required by section 44906 of title 49, United States Code.

SEC. 605. CHECKED BAGGAGE SCREENING AREA MONITORING.

To carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the purpose of monitoring violations of airport security laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) in fiscal year 2006 above the number of such positions for which funds are authorized to be appropriated to carry out the in-line checked baggage screening system installations required by section 44906 of title 49, United States Code.

SEC. 606. IMPLIED EXPLOSIVE DETECTION SYSTEMS.

To carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the purpose of research and development of improved explosive detection systems for aviation security under section 4913 of title 49, United States Code.

SEC. 607. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

To carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3726), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 608. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

To carry out subsections (a) and (b) of section 4003 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3726), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 609. AIR CARGO SECURITY.

To carry out section 4002(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3727), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 610. FEDERAL AIR MARSHALS.

To carry out section 4004 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3728), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 611. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

To carry out section 5303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 612. INCREASE IN DETENTION IN DETENTION BED SPACE.

To carry out section 5304 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

SEC. 613. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

To carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3726), there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.
SEC. 614. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

To carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), there is authorized to be appropriated $380,000,000 for the Secretary of Homeland Security to increase by not less than 1,000 the number of full-time, active-duty border patrol agents within the Department of Homeland Security, in fiscal year 2006, above the number of such agents for which funds were allotted for the preceding fiscal year.

SEC. 615. IMMIGRATION SECURITY INITIATIVE.

To carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated $380,000,000 for the Secretary of Homeland Security to carry out the amendments made by subsection (a) ($40,000,000 for fiscal year 2006).

TITLE VII—CARGO INSPECTION

SEC. 701. INSPECTION OF CARGO CARRIED ABOARD COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a system that uses equipment, technology, personnel, and other means to inspect 60 percent of cargo transported in passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate transportation. At a minimum, this system shall be based on the same standards as those established by the Secretary for equipment, technology, and personnel used to screen passenger baggage. Within 2 years after the date of the enactment of this Act, the Secretary shall use this system to inspect at least 65 percent of cargo transported in passenger aircraft. Not later than three years after the date of enactment of this Act, the Secretary shall use this system to inspect at least 100 percent of cargo transported in passenger aircraft.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report describing the system established under subsection (a).

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, last year we passed the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3817), which included significant funding boosts for homeland security programs.

When the President signed the 9/11 bill, he made a commitment to our law enforcement personnel. He said, ‘‘We will continue to work with Congress to make sure they have got the resources necessary to do their jobs.’’

However, when the President’s budget came out in January, it failed to fully fund the programs in the 9/11 Act. Frontline officers tell us that without the funds they need to get the job done. The Immigration and Customs Enforcement Service has been in a hiring freeze since late last year. The border patrol simply does not have the manpower or the support staff to be able to effectively do its job.

Simply signing a bill is not enough. You have got to do what you promised. You said you were going to do it today. In introducing this bill, is for the President to explain why it is not necessary to fully fund the 9/11 Act to better secure our Nation.

Accountability is the key to homeland security. If the Rules Committee is not going to make sure that homeland security increases are identified as being needed and are in the budget, then the American people deserve to know why.

Additionally, this motion to recommit addresses a major threat in aviation security. The Rules Committee blocked consideration of this important measure, Mr. Speaker. Every day the TSA fails to inspect the millions of tons of cargo shipped in the belly of passenger planes is yet another day American lives are put at risk. I urge my colleagues to join me and approve this motion to recommit.

Mr. Speaker, I now yield 1½ minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. Mr. Speaker, in this commitment motion, you will get a chance, on the majority side, to vote on whether or not you want to screen cargo that is on passenger planes.

We take off our shoes. Americans take off their shoes, put their children on flights to head on vacation or go to school. They all take off their shoes.

But underneath, in the cargo bay of those passenger planes, almost none of the cargo which sits right next to those bags is screened. If something is this size, 16 ounces, no paperwork. Nothing. If it is the same size as the bag your children and you have, it does not get screened. It is going on right next to your bag. An amendment says, is, you got a warning. The cargo on this plane has not been screened for explosives. That is the Republican bill.

The Democratic substitute says that 100 percent of all baggage, all cargo as well, on passenger planes is screened. If you care about your families, if you care about implementing one of the key recommendations in the 9/11 report, then vote for the Democratic recommittal motion. This is the only chance you got. You’re going to have a chance to vote on this issue. Vote ‘‘yes’’ on the recommittal motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the motion to recommit would authorize full funding for all of the homeland security measures called for in the Intelligence Reform Act adopted last year: aviation security research and development, full detection systems, biological, chemical, radiological and explosive materials, passenger baggage screening equipment, air cargo security, Federal air marshals and border security measures.

It also includes a requirement that within 3 years all air cargo on passenger planes be screened.

Mr. Speaker, I ask for a ‘‘yes’’ vote on this motion to recommit.

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

Mr. COX. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I want to draw our attention to what is actually in the motion to recommit. It consists of 15 sequential sections that do nothing more than authorize monies, and a final section, which my colleague from Massachusetts just spoke about, concerning air cargo which contains no reference to money, whatsoever, but which, according to the Department of Homeland Security, would effectively double the budget of the TSA.

Let me read to you the dollar amounts in each of the sections, because I want to draw Members’ attention to the fact that there are no offsets. There are no sources of funding for these provisions.

Section 601 adds $20 million without any funding source; section 602, $1 million; section 603, a quarter billion dollars; section 604, $400 million dollars and on.

I mention this because we are here on the floor for the first time considering the Department of Homeland Security authorization bill in an annual process that is beginning now, but which will go on for the indefinite future. And we are seeking to establish a precedent.

And that precedent is just as with other national security authorize legislation that we bring to the floor, in this bill, it is real money. In this bill, we are authorizing funding within the House-passed budget and consistent with amounts that we actually intend to appropriate.

Now, we have a unique opportunity this year because the order of consideration of the appropriations bill and the authorization bill reversed. Just yesterday on the floor of this House, Members voted on the appropriations bill so we actually know real dollar numbers that Secretary Chertoff and the Department of Homeland Security will have to work with. And virtually every Member on this floor just voted for that bill yesterday.

So, if we are to come to the floor today and vote for funding figures which are different from what we know will actually happen, we will be placing priorities before the Department of Homeland Security and mandates on the Department of Homeland Security that we know it cannot meet.

There are some other anomalies with the funding provisions in the motion to recommit that I am certain must be drafting mistakes.

I do not doubt for a moment the passion of the gentleman from Massachusetts when it comes to the question of screening air cargo, but I have to draw Members’ attention to the fact that

Mr. Speaker, I now yield 11⁄2 minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).
Mr. Speaker, if I may in conclusion say that I am thoroughly impressed with the effort and the work that has been put forth on both sides of the aisle on this bill, with the performance and the leadership of the gentleman from Mississippi (Mr. THOMPSON), my colleague. I say that there has not been 1 day since September 11 when any Member of this House had forgotten the lesson of homeland security that we learned on that day, chief among which is that we must always put the security of this country ahead of partisan politics.

The bill that we will vote on in a moment, the homeland security authorization bill, does that, and I look forward to standing shoulder-to-shoulder with the gentleman from Mississippi (Mr. THOMPSON), with all the members of the committee, and with, I believe, all the Members of this House.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore ordered the previous question, the previous question is or-

AYES—199

Noes 228,

AYES—199

Not voting 6, as follows: [Roll No. 188]

Abercrombie    Ackerman    Ackerman, Jo Ann
Aderholt       Alexander      Akin
Adkins         Allen          Amodei
Adlhart        Alexander       Alexander,3
Adcock         Allison        Allison, Steve
Adelson        Allred         Allred, Carol
Adler          Albright        Altmire
Adley          Allen           Allen, Neil
Augusta        Auster         Austin
Augustine      Ayotte         Ayotte, Steve
Augustus       Bachman        Bachman, David
Baker          Baker, Walt     Baker, Walter
Balakrishnan   Balkisn        Ballegard
Baldrop        Baldwin        Baldwin, Butch
Ball                      Ball, Gary
Baldy          Ballard        Ballard, Jim
Balfour        Ballenger     Ballenger, Steve
Baltimore       Ballweg       Ballweg, Steve
Balser        Bankhead       Banuelos
Banks          Bankston       Banks, C.T.
Bankston        Barak          Barfield
Barker         Barker, John    Barker, John, Cd.
Barrett        Barrett, Edna   Barrett, Edna, N.
Bart             Barron         Barron, Melinda
Bartlett       Bartlett, Tom  Basinger
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike, PA
Barth          Barto                      Barber, Mike, TX
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Barth          Barto                      Barber, Mike
Barth          Barto                      Barber, Mike
Bartow         Barth          Barth, R.
Speaker pro tempore announced that
in this vote. There are 2 minutes remaining in this vote.

The Speaker pro tempore (Mr. Hastings of Washington) (during the vote). There are 2 minutes remaining in this vote.

So the motion to reconsider was laid on the table.

So the motion to reconsider was laid on the table.

So the motion to reconsider was laid on the table.

So the motion to reconsider was laid on the table.

So the motion to reconsider was laid on the table.

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So the motion to reconsider was laid on the table.

So the motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 18, 2005 to vote on rollcall vote Nos. 181, 182, 183, 184, 185, 186, 187, and 189 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 181 on calling the previous question on H. Res. 283—the rule providing for consideration of H.R. 1817—Homeland Security Authorization Act for Fiscal Year 2006; "yes" on rollcall vote No. 182 on passage of H. Res. 283—the rule providing for consideration of H.R. 1817—Homeland Security Authorization Act for Fiscal Year 2006; "yea" on rollcall vote No. 183 on an amendment to H.R. 1817 to increase funding for the Department of Homeland Security's Office of the Secretary of Homeland Security; and, "yea" on rollcall vote No. 184 on an amendment to H.R. 1817 to prohibit any of the money in the DHS authorization bill from coming to an increase in airline ticket taxes; "no" on rollcall vote No. 185 on an amendment to H.R. 1817 to clarify the existing authority of State and local enforcement personnel to apprehend, detain, remove, and transport illegal aliens in the routine course of duty, and requires DHS to establish a training manual on this matter and set forth simple guidelines for making that training available; "yea" on rollcall vote No. 186 on an amendment to H.R. 1817 to call for the Secretary of Homeland Security to submit a report to Congress on the number and types of border violence activities that have occurred; the types of activities involved; a description of the categories of victims that exists; and a description of the steps that DHS is taking and any plan that the Department had formulated to prevent these activities; "yea" on rollcall vote No. 187 on an amendment to H.R. 1817 in the nature of a substitute to authorize $6.9 billion over H.R. 1817 in homeland security funding and includes a number of policy proposals to close security gaps and to reauthorize the Department of Homeland Security; "yea" on rollcall vote No. 188 on an amendment to H.R. 1817 to the Committee on Homeland Security; and, "yea" on rollcall vote No. 189 on passage of H.R. 1817—the Homeland Security Authorization Act for FY 2006.