

The SPEAKER pro tempore. The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of the conference report on H.R. 4954, the SAFE Port Act.

This is a night of a true success in the area of homeland security and port security. This is an issue which the country was focused on earlier this year with the whole Dubai Ports issue. It is an issue which the Homeland Security Committee addressed head on. We passed the bill out of committee. It passed the full House floor by a vote of 421–2; and now we are here tonight, Mr. Speaker, for final passage.

Let me at the outset commend the ranking member of the committee, Mr. THOMPSON of Mississippi, for the tremendous cooperation that he gave throughout the committee process on this bill; Subcommittee Chairman LUNGREN on our side for his work, the leadership he demonstrated; and also Ms. SANCHEZ and Ms. HARMAN. This was definitely and truly a bipartisan effort, and we are here tonight because both parties came together, we worked together, we realized the importance of this. We realized that homeland security should not be a partisan issue.

Mr. Speaker, I do not intend to go on at great length, but I will give just some of the highlights of the bill. It provides \$400 million a year in dedicated port security grant programs, three pilot programs for 100 percent screening for nuclear and radiological material. It enhances the Container Security Initiative, CSI. It codifies and strengthens CTPAT. It also establishes the Domestic Nuclear Detection Office. It also sets deadlines for TWIC.

Mr. Speaker, this is legislation which encompasses so much of the issues that we have to address with port security. It is legislation whose time has come. It is legislation which makes our country safer or makes our ports more secure. It will enable the commerce of the country to go forward. And it is a bill which distinctly addresses the concerns raised by the American people.

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

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

Mr. Speaker, once again we are here on the floor debating another security bill that will not fully secure America. This bill does a lot to strengthen port security, but it leaves a number of glaring gaps.

I want to thank Ms. SANCHEZ and Ms. HARMAN. They are the chief architects of the best ideas in this bill. They have been true champions on port security since the early days of this committee. I want to thank Mr. LUNGREN and Mr.

KING for working with us on this bill on a bipartisan basis, although I was very disappointed that this process broke down in the last few days.

Additionally, Homeland Security staff on both sides of the aisle made sure the process was an inclusive one. We heard positive insight from industry, first responders, port security experts. I appreciate all of them for their help.

But despite all our efforts, at the end of the day this measure falls short. Once again House Republicans have turned their back on everyday working folks who rely on buses and trains to get to work. When offered an opportunity by the Senate to secure our mass transit and rail security, they chose to do nothing.

Quite frankly, Mr. Speaker, this port bill has become just another act in the play the House Republicans have billed as “homeland security” month. They could have offered America a star performance, and instead, Mr. Speaker, they delivered mediocrity.

Let me serve as a narrator of this story for a few moments:

Act one, protecting ponies. The week before the fifth anniversary of 9/11, the House leadership was more concerned about protecting horses than protecting our ports.

Act two, border security. Thinking good fences make good neighbors, they squandered the little time we had left in this session to revote a fence bill. As the Senate passes the fence bill tonight, Americans should feel safe in their homes. America will have a 700-mile fence across the U.S.-Mexico border.

Well, Mr. Speaker, not really. The appropriations bill we passed today paid for barely half of that fence. I am sure terrorists and others crossing the border are quivering in their boots at this half-baked half fence.

Let us move to act three, FEMA. The Committee on Homeland Security tried to fix FEMA and give first responders the interoperability they needed. Instead of fully funding the reorganization, Republicans chose to do “FEMA on the cheap,” leaving our police, firefighters, and EMTs without the ability to talk to one another.

□ 2315

And here we are at this late hour beginning act four, the closing act in this political comedy, port security. H.R. 4954, as passed by the House, was a good bill overall. The Senate improved upon the bill by, among other things, addressing rail and mass transit security. Unfortunately, this sham conference process denied consideration of the Senate ideas as well as Democratic amendments to better protect our Nation. And that, after this body overwhelmingly approved my motion to instruct the conferees to accept the Senate position on rail and mass transit security, the conference Chair denied the will of this body. Why do not the Republicans want to eliminate this

critical vulnerability now? We have the time. So why not now?

The American people would much rather see this body work through the night to get homeland security right than go home to run for reelections. Instead of calling this month Homeland Security Month, we should rename it Amateur Hour Month, because that is all we have seen from this Congress.

While I have enormous issues with the process and the scope of this bill, Mr. Speaker, I still intend to vote for it. I make this pledge. In the next Congress, we will absolutely be back here to finish the job and get homeland security right.

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

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that I was listening very carefully to the gentleman’s remarks, and I really heard nothing at all critical of the port security bill. We are talking about other bills that maybe should be covered or other items. The fact is, on the issue of port security, this is the port security bill. It did receive wide bipartisan support. And I think, rather than go on extraneous issues and talking and talking about fences, we are talking about port security.

Mr. Speaker, I yield such time as he may consume to the prime sponsor of the port security bill, the gentleman from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for yielding.

Mr. Speaker, I want to thank Chairman KING for his leadership, Ranking Member THOMPSON, the ranking member of my subcommittee, Ms. SANCHEZ, and Congresswoman HARMAN for all of the hard work in passing this important bill to protect our ports.

Mr. Speaker, I must say that I guess I must have gotten very tired tonight, because I think I misheard my good friend, Mr. THOMPSON, in his description of this bill and about some play we are at.

I remember act one, act two, act three being consultation with the other side. I remember working very closely with Members of the other side of the aisle and their staffs. I recall us spending months working this out. I recall early morning meetings with Ms. HARMAN, joining Congresswoman HARMAN to go across the Rotunda to the other side, to try and see if we could begin our journey together, that is, to see that our bill would be close in terms of its tone, in terms of its breadth, in terms of its direction with that of our colleagues on the other side.

I can recall the next act when we brought it to the subcommittee, and I can recall getting a unanimous vote out of the subcommittee. I can recall the next act, which was the full committee. We had a 29–0 vote; and where I come from, that is pretty doggone close to unanimous.

We then had the further act which was acting on the floor of the House, and we got a 421-2 vote. It was totally bipartisan. Even the two who voted against it split one Republican and one Democrat. You cannot get much more bipartisan than that.

We have worked together to preserve the essence or the guts of the bill that we have crafted through our committee structure and which we passed on the floor. I am proud to stand here and say that we have accomplished something that many people thought could not be accomplished.

The Senate began their journey several months before we did in terms of a formed bill. Yet we leapfrogged over them in the work that was done in our subcommittee and committee. And I do believe that the actions of this House nudged, if I might use that term, our colleagues on the other side of the Rotunda such that we are able to bring this bill to the floor for completed action tonight on this side of the Rotunda and the other side of the Rotunda.

Rather than create an act of political statement, we have created an act of law. That is, this will go to the President, and the President will sign this. So I hope that all who are here in this Chamber will think of the spirit of bipartisanship with which we started this journey that will be part of the end of this journey.

Today, we have taken a solid step forward in securing our Nation. I do not think there can be any doubt about that. This is not a half measure. This is a major measure.

The sums of money authorized in here are significant. The grant program is a stream of \$400 million a year for 5 years. That is a \$2 billion grant program for our ports across this Nation. That is something we have been looking for some time.

We now authorize it. We authorize other programs that Members on both sides of this aisle have spoken for for a long period of time, all to secure this Nation and particularly to secure our ports.

Our enemies have stated that they want to disrupt our economy, murder our citizens, and destroy our way of life. By passing this bill, we do not make a statement, we actually begin to protect our Nation's ports, safeguard the American people, and increase the confidence in our international trade routes.

The American people expect us to take action to protect our ports, and with this bill we have done precisely that. We have addressed the possibility of our enemies using our open society and free economy against us. We have taken away a potential weapon, one capable of causing major disruption to our economy.

In passing this bill tonight, we are taking rational action to harden our domestic critical infrastructure, ensuring that those who wish to harm us are unable to have access to those critical facilities.

But this bill is more than just protecting our local facilities. Securing international maritime trade is incredibly complex. At any one time there are hundreds of vessels and literally hundreds of thousands of containers crossing the oceans on the way to our ports.

With this bill, we have developed a strategy to implement a system to scan each container before it enters our domestic stream of commerce. We will be able to identify and track containers destined for our shores, using training and technology to identify any that may pose a risk.

We are pushing out our borders beyond our geographical limits to make a rational approach to stopping the opportunity that those who would kill us and maim us and destroy our economy would otherwise have.

We have reached out in this way to our trading partners to include them in this strategy to keep international trade flowing with minimal disruption. This strategy allows us to integrate security into international commerce, allowing us to facilitate trade rather than hinder it, so that we do not allow the terrorists to succeed.

We have given the Department of Homeland Security the tools it needs to protect against the potential of weapons of mass destruction being delivered to our shores. We have created a program for our best minds to develop even more effective and less intrusive scanning technology to make security completely transparent, seamless and even more effective.

Recognizing that technology is only as good as the people who use it, we provided a multitude of grants available to our local port facilities so that they can train their employees in emergency procedure and response. That is something that we very much wanted to emphasize, and I would like to give Congressman REICHERT credit for pursuing that in such a strong way.

The bill also provides for more Customs and border protection agents, which should enable the Department to continue its mission of both building security and facilitating legitimate trade that is critical to the Nation.

We provided for the Coast Guard to create joint port security operational centers in our Nation's major ports to coordinate effective response to any incident that threatens the security of these ports.

Some may wish to focus on what the bill does not do, when we should appreciate it for what it does. It strengthens our port facilities, it enhances the security of the international supply chain, increases the resiliency and confidence in our economy.

By doing all of this, the significant piece of legislation and all of those that worked so hard to bring it to passage, including Chairman KING, Ranking Member THOMPSON, Congresswoman HARMAN, Ranking Member SANCHEZ and our colleagues in the Senate all have joined together to increase

the security of our Nation; and I, for one, am proud to have been involved.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank Mr. LUNGRAN for the accurate recap of the early parts of the act. But like most early parts of the act, people forget how it ends; and what I am saying to you is, while bipartisanship might be good, the process is incomplete.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN), one of original authors of the bill.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the Ranking Member of the Full Committee for yielding to me so early in this debate.

Mr. Speaker, today, I rise in support of the conference report for the SAFE Port Act. In a month that was supposed to be all about security, this measure is the only one we have considered that will actually make America more secure.

This bill is as good as it is because it was developed through a bipartisan approach. From introduction back in March, through subcommittee and full committee mark-up, to passage by an astonishing vote of 421-2 in May, we worked on this bill together.

Sadly, as our Ranking Member has said, this bipartisanship ended in the conference. The conference agreement, while good, could have been much, much better. But the fact remains that this bill will add value. As we debate tonight, operations are ongoing at the port complex of Los Angeles and Long Beach. This complex, which adjoins my district, is the largest container complex in the Nation.

Nearly 55,000 20-foot containers were processed at this complex today. Right now, thousands of containers are being unloaded from large cargo ships by 4,000 dock workers who work every day under the threat of a terrorist attack. They will be comforted that we are closing big gaps in port security with this legislation.

Because of the SAFE Port Act, most containers will have been screened for nuclear and radiological materials at their port of embarkation, thousands of miles from us, our business and our families.

I am sure we will hear later in this debate that scanning would be better, and I agree. But we could not achieve that in this legislation. The good news is we have three pilot projects.

Because of the SAFE Port Act, a trusted company can partner with the U.S. Government to take additional steps to prevent security breaches.

Because of the SAFE Port Act, workers with access to secure areas will carry identification cards that control their access, verify their identities and background and assure they pose no threat. Right this minute, on hundreds of trucks traveling on southern California highways, containers are about

to make their way through the City of Los Angeles bound for large retailers, 'mom and pop' stores, and wholesalers across the country.

Because of the SAFE Port Act, port officials will have the technology to be sure that radiological materials do not leave our ports and enter the center of our country.

This process will be repeated millions of times every year, and each time we will significantly reduce the chance of a terrorist attack that could make 9/11 look tame.

My thanks to the co-author of this bill, Mr. LUNGREN of California, who was a terrific partner working this bill through to the conference; to the Ranking Member of the Committee, Mr. THOMPSON; of the Subcommittee, Ms. SANCHEZ; and to the Chairman of the Full Committee, Mr. KING. It is also true that our security sisters in the Senate, Senators SUSAN COLLINS and PATTY MURRAY, made a great effort to be sure that the bill would be heard in that body.

Yes, the SAFE Port Act is not perfect; and it passes late at night in a week of disappointments. But it is the real deal. One star in a dark night. Vote "aye."

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

□ 2330

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to note that folded into the SAFE Port Act is the Unlawful Internet Gambling Enforcement Act which is one of the most important pieces of family legislation this Congress has ever considered.

Internet gambling restraints have been under review for four Congresses. This evening we are finally poised to act decisively on this subject, and I want to extend my personal appreciation to the Speaker; to the majority leader, Mr. BOEHNER; and to the Senate majority leader, Mr. FRIST, for their steadfast support.

Companion legislation to the House product was forthrightly led in the Senate by JOHN KYL of Arizona. Many Members have played an important part over the years in this legislation, particularly MIKE OXLEY and SPENCER BACHUS from the Financial Services Committee and BOB GOODLATTE and CHRIS CANNON from Judiciary.

But I want to stress this is bipartisan legislation. The majority of Democrats voted for it just a few weeks ago. Indeed, all of us can be proud of this legislation. It should be considered a significant accomplishment of this Congress. After all, with each passing day we learn of friends and neighbors touched by devastating losses from Internet gambling. Never has it been so easy to lose so much so quickly at such a young age.

As a professor of business at the University of Illinois has noted, Internet gambling is crack cocaine for gam-

blers. There are no needle marks; you just click the mouse and lose your house.

The reason the NCAA, the NFL and the NBA, the NHL, and Major League Baseball support this legislation is their concern for the integrity of the games. The reason the religious community from Baptists and Methodists to Muslims has rallied to this cause is because it is concerned for the unity of the American family.

The reason we should adopt this approach is that we must be mindful of our obligations to the American family.

Mr. Speaker, I urge support for this legislation, and I will submit for the RECORD at this point its legislative history.

LEGISLATIVE HISTORY FOR THE UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT

Section 801. Short title

This Act may be cited as the 'Unlawful Internet Gambling Enforcement Act of 2006.'

Section 802. Prohibition on acceptance of any payment instrument for unlawful Internet gambling

Subsection (a) adds a new 'Subchapter IV—Prohibition on Funding of Unlawful Internet Gambling' to Chapter 53 of Title 31 (Monetary Transactions). The new subchapter will come immediately after subchapter III, covering Money Laundering and Related Financial Crimes.

Section 5361. Congressional findings and purpose

(a) Findings. The Congressional findings note that: (1) Internet gambling is primarily funded through the personal use of payment system instruments, credit cards, and wire transfers; (2) the National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites; (3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry; and (4) new mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions on the Internet, especially where such gambling crosses State or national borders.

(b) Rule of Construction. No provision is to be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting or regulating gambling within the United States. This is intended to alleviate fears that this bill could have the effect of changing the legality of any gambling-related activity in the United States.

Section 5362. Definitions

This defines the term 'bet or wager' as the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance with the agreement that the winner will receive something of value in the event of a certain outcome. This subsection clarifies that 'bet or wager' does not include bona fide business transactions such as securities trading or buying or selling insurance contracts, or participation in a simulation sports game or educational game. 'Something of value' does not include personal efforts of the participants in playing the game or contest, or points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used

or redeemed only for participation in games or contests offered by the sponsor.

Defines the term 'unlawful Internet gambling' as placing, receiving, or transmitting a bet or wager by any means which involves the use of the Internet, where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made. Clarifies that purely intrastate transactions conducted in accordance with state laws with appropriate security controls will not be considered unlawful internet gambling. Likewise, transactions solely within Tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful. Section 5362(10)(D) addresses transactions complying with Interstate Horseracing Act (IHA) which will not be considered unlawful, because the IHA only regulates legal transactions that are lawful in each of the states involved. Also clarifies that intermediate routing of data packets does not determine the location in which bets or wagers are made.

The Internet gambling provisions do not change the legality of any gambling-related activity in the United States. For instance, if use of the Internet in connection with dog racing is approved by state regulatory agencies and does not violate any Federal law, then it is allowed under the new section 5362(10)(A) of title 31.

The Internet gambling provisions do not interfere with intrastate laws. New section 5362(10)(B) creates a safe harbor from the term "unlawful Internet gambling" for authorized intrastate transactions, if the state law has adequate security measures to prevent participation by minors and persons located out of the state. The safe harbor would leave intact the current interstate gambling prohibitions such as the Wire Act, federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on websites and individuals could not access these games from their homes or businesses. The safe harbor is intended to recognize current law which allows states jurisdiction over wholly intrastate activity, where bets or wagers, or information assisting in bets or wagers, do not cross state lines. This would, for example, allow retail lottery terminals to interact with a processing center within a state, and linking of terminals between separate casinos within a state if authorized by the state.

Tribal gaming laws are similarly preserved. Transactions solely within tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful, under section 5362(10)(C). Moreover, the principle of the Indian Gaming Regulatory Act is that state governments cannot apply discriminatory laws against gaming authorized by tribal governments within the state. If a state authorizes use of the Internet for gambling pursuant to this section and the tribal government also authorizes this, gambling businesses located on tribal lands within that state would be permitted to "export" gambling services to persons in the rest of the state, off of tribal lands, if the "exported" game complies with state law, pursuant to section 5362(10)(B). This does not give the state jurisdiction over the operation of the tribal gambling business, including licensing requirements, and does not allow the state to dictate tribal gaming laws. Only the game itself—including the method for playing the game—must comply with state law if a person physically located off of tribal lands places a bet that is received by a tribal gambling business. This principle also applies in reverse: if a person on tribal lands plays a gambling game with a state-based gambling

business, the game must not violate tribal law.

Section 5362 also defines the terms ‘business of betting or wagering,’ ‘designated payment system,’ ‘Internet,’ and ‘restricted transaction.’ Several additional terms are defined by reference to other sections of the U.S. Code.

Section 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

Prohibits persons engaged in the business of betting or wagering from knowingly accepting credit, funds, bank instruments, or proceeds of any other form of financial transaction in connection with the participation of another person in unlawful Internet gambling. This is called a ‘restricted transaction’ according to the definitions section.

Section 5364. Policies and procedures to identify and prevent restricted transactions

(a) **Regulations and (b) Requirements for Policies and Procedures.** Requires the Secretary of the Treasury and the Federal Reserve Board, in conjunction with the U.S. Attorney General, to prescribe regulations within nine months requiring any payment system to establish policies and procedures reasonably designed to identify and block restricted transactions, or otherwise prevent restricted transactions from entering its system.

(c) **Compliance and (d) Liability.** Provides persons operating financial systems with immunity from civil liability for blocking transactions that they reasonably believe are restricted transactions, or in reliance on the regulations promulgated by the Treasury Department and Federal Reserve. Though a financial institution may block additional transactions based on reasonable belief, it has no duty to do so, and may rely solely on the regulations to fully discharge its obligations.

(e) **Enforcement.** The Federal functional regulators and the Federal Trade Commission are given the exclusive authority to enforce this section.

Section 5365. Civil remedies

Authorizes the U.S. Attorney General and State Attorneys General to pursue civil remedies, including a preliminary injunction or injunction against any person to prevent or restrain a violation of this legislation. It clarifies that the bill does not alter, supersede or otherwise affect the Indian Gaming Regulatory Act; generally limits responsibility of an interactive computer service to the removal or disabling of access to an online site violating this section, upon proper notice; restricts the ability to bring injunctive cases against financial transaction provider activities.

Internet gambling operators primarily use the resources of two types of businesses to conduct their unlawful enterprises: payment systems and interactive computer services. The unlawful use of payment systems is addressed by section 5364, not by injunctions. The legislation addresses the unlawful use of interactive computer services through injunctions, but with appropriate limits to avoid imposing any duty to censor or monitor on these computer services. Section 5365(c)(2) also extends to interactive computer services the same immunity from liability that common carriers are afforded when complying with a notice from law enforcement pursuant to section 1084(d) of title 18 to discontinue service to a gambling business.

Section 5366. Criminal penalties

Authorizes criminal penalties for violating section 5363, including fines or imprisonment for not more than five years or both. Also authorizes permanently enjoining a person

convicted under this section from engaging in gambling activities.

Section 5367. Circumventions prohibited

Provides that, notwithstanding the safe harbor provided in section 5362(2), a financial intermediary or interactive computer service or telecommunications service that has actual knowledge and control of bets and wagers, and operates or is controlled by an entity that operates, an unlawful Internet gambling site can be held criminally liable under this subchapter.

Section 803. Internet gambling in or through foreign jurisdictions

Subsection (a) provides that, in deliberations between the U.S. Government and any other country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering. It also requires the Secretary of the Treasury to submit an annual report to Congress on the deliberations between the United States and other countries on issues relating to Internet gambling.

Subsection (b) requires the Secretary of the Treasury to submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet Gambling.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for the time and for the very strong statement he made earlier, the very straightforward and candid assessment of the process to which this legislation has been subjected.

While I appreciate the work of the gentleman from New York, chairman of the committee of conference, and also Chair of the Homeland Security Committee, and the gentleman from Mississippi who have done stellar work on this legislation, I am disappointed with the outcome.

There are two issues here. There are substance and process. On the substance, sure, I will vote for the conference report because what is in the bill will improve port security. What is left out is what is troubling and disappointing.

When the bill cleared the House, there was the expectation, as there always is when we pass a part in one bill and have a comparable in the other, that the missing links will be addressed in a conference committee, and in this case, the missing links in security will be addressed in conference. That did not happen.

This bill does not make improvements in rail and transit security, even though the Senate version had good

provisions to address transit and intercity passenger rail security. For reasons I do not understand and no one has explained, the House Republican leadership apparently determined late at night last night that it would not attempt to work out rail and transit security in conference.

The committee of conference held a meeting. Conferees elected a chairman and made opening statements, and that was it. The supporters of rail and transit security improvements were never permitted to make proposals or offer amendments to improve rail and transit security. We expected that we were going to be able to do that, but it never happened.

The security needs in rail and transit are huge, \$700 million for Amtrak, \$6 billion for transit. In the wake of the Madrid, London, and Mumbai bombings, the leadership of the other party should not have passed up an opportunity to protect millions who use intercity rail and transit each day.

There is much more that we could have and should have done. We should not be kicking it over to the next Congress. That is the disappointment. We have an opportunity to make an improvement. You should seize that opportunity and move ahead.

As far as it goes, it is a useful bill. It is not what it should be.

The Committee on Transportation and Infrastructure wrote the original Marine Transportation Security Act of 2002 (MTSA). That landmark legislation significantly improved security at our Nation’s ports. The conference report before us fine tunes that original security act and gives added direction to the Administration in how to carry out its multiple port security programs. It also provides a statutory framework for many regulatory initiatives established by the Department of Homeland Security, including the Container Security Initiative and the Customs Trade Partnership Against Terrorism Program (CT-PAT).

Republicans rejected the Nadler-Oberstar amendment offered during House consideration of the bill. That amendment would have required 100 percent of containers to be scanned for nuclear weapons before a container destined for the United States was loaded in a foreign port. I am pleased that the conference report adopts the Senate provision to authorize a pilot program for 100 percent scanning of containers in three foreign ports. I am also encouraged that the conference report requires the Secretary to scan 100 percent of containers entering the 22 largest container ports in the United States. What I don’t understand is if we can scan 100 percent of containers when they are offloaded from a ship in a U.S. port, why can’t we scan those same containers before they are loaded on that same ship in the foreign port? Why can’t we continue to work to “push the borders out”?

While the conference report goes a long way toward strengthening port security, it does not do a thing for rail and transit security and other issues, which were covered in the Senate bill, and should have been included in this conference report.

Last night, the House passed, by a vote of 281–140, a motion to instruct conferees on

H.R. 4954 to adopt the Senate provisions on rail and transit security, as well as other security measures. Less than an hour later, the Conference Committee met and conferees were allowed to make statements, but not amendments to a draft conference report. In fact, the conferees had no legislative text to consider. It was obvious to all that there was no interest among House Republican conferees to have a serious discussion about including rail and transit security in this bill.

One by one, Members of the Conference Committee—House and Senate—asked the Conference Committee Chairman when we were going to be able to review the final conference report and when Members were going to be able to offer amendments to it. The gentleman from New York (Mr. KING)—and I quote—stated, “The expectation is we will receive the final documents, go to debate and consider amendments and go forward at that time.”

Two hours later, Mr. KING’s staff advised members that there would be no further meetings of the conferees. What could have possibly happened in those two hours to create such a great delay that the documents were not available for a meeting today? Why do Republicans consistently prevent Democrats from offering amendments that will make our country safer?

In the wake of the Madrid, London, and Mumbai bombings, Congress has a responsibility to the American people to assure the safety and security of our Nation’s rail and transit systems. This year, the Federal government will invest \$4.7 billion in aviation security improvements, while spending only \$150 million on rail and transit security, even though five times as many people take trains as planes every day.

Amtrak has requested more than \$100 million in security upgrades and nearly \$600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transportation Association, which represents transit agencies and commuter railroads, has well-documented transit security needs that exceed \$6 billion (including more than \$5.2 billion of capital investment security needs).

The Senate-passed port security bill would have helped meet those needs, and the conferees should have been granted the right to vote on them before they were stripped from the final version of the bill. Do we have to wait for an attack before we take action to secure our nation’s railroads and transit systems? What is wrong with providing funding for critical rail and transit security needs? What is wrong with hiring more inspectors? There are only 100 Transportation Security Administration (TSA) rail inspectors responsible for the security of our Nation’s 144,000-mile freight and passenger railroad system. What is wrong with requiring development and implementation of a national rail and transit security plan to clarify the roles and responsibilities of federal, state, and local agencies in securing rail and transit systems? What is wrong with ensuring that key workers have the necessary support and training required to protect our rail and public transit systems? Nothing, the House Republican Leadership just did not want to do it.

Another example of what should have been included in this conference report and wasn’t:

Removal of the cap of 45,000 on TSA screeners. That cap is both arbitrary and counterintuitive, and it is also impairing security. The Aviation and Transportation Security Act (ATSA) passed by Congress in the wake of the September 11th terrorist attacks requires 100 percent electronic baggage screening. Yet, there is evidence that staffing shortages are undermining electronic screening efforts.

Staffing shortages often require TSA to use alternative screening procedures to screen checked bags, and the Government Accountability Office (GAO) reports that TSA’s use of alternative screening procedures involves trade-offs in security effectiveness.

While the number of airport screeners remains static, passenger traffic grows. Airlines are expected to carry more than one billion passengers by 2015, increasing from approximately 700 million in 2004. TSA currently screens 522 million bags per year. GAO reports that TSA could be screening as many as 96 million more bags than it now screens—an 18 percent increase—by as early as 2010. According to TSA data, the use of alternative screening procedures will increase at some airports because of rising passenger traffic.

All of these issues should have been dealt with in this conference report. While I support the port security bill, it has left much work undone.

Mr. KING of New York. Mr. Speaker, could I inquire as to how much time is remaining.

The SPEAKER pro tempore. Each side has 17½ minutes remaining.

Mr. KING of New York. Could I inquire of the gentleman from Mississippi how many speakers he has remaining.

Mr. THOMPSON of Mississippi. I have four.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member from Energy and Commerce.

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

Mr. DINGELL. Mr. Speaker, well, the mountain shook, the lightning flashed, the thunder roared and the mountain gave birth to a mouse.

In last night’s discussion, there was no discussion and nobody has been brought in to talk about what this legislation does, but I think we can talk about what it does not do.

First of all, it does not allow the Members opportunities to offer amendments to discuss issues of importance. It does virtually nothing to protect 25 million Amtrak riders and millions of Americans who live and work near railroad and freight tracks and passing trains carrying highly hazardous materials. It also stripped long overdue rail and mass transit measures from the final bill, as well as a number of other important security measures.

It should be noted that the bill in the Senate included provisions improving the securities of other surface transportation, including truck, bus, haz-

ardous material transportation and pipeline security, as well as it strengthened aviation security. All gone, gone, gone.

The conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the fact that last night we heard the House express its wishes overwhelmingly when we voted for the instruction of House conferees 281–140 to accept rail and transit titles, as well as other important provisions.

We talk about this as a great bill to address the question of airport, railroad and port security. It does not. It is not.

I would note that when we showed up last night for the conference, we all sat around for a goodly while. We had no agenda. We had no business to come before the committee. We were told there would be a meeting this morning to discuss, and we would have an opportunity to amend. Somehow or another that commitment vanished, but it did not vanish so much we do not have a bill here which was drafted without any input from any Member on this side of the aisle.

So we have sent the distinguished chairman, for whom I have enormous affection, a letter. Fifteen of our colleagues on this side of the aisle joined in signing it, and we said to you: ‘Dear Chairman KING: You made a personal and public commitment last night. You broke it.

“We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process. However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill.”

This is a sorry process. It is a sorry procedure. It is a sorry piece of legislation. It is inadequate, and it is another example of the majority trying to do things on the cheap and then marketing it as something good.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 2006.
Chairman PETER KING,
House of Representatives, Committee on Homeland Security, The Capitol, Washington, DC.

DEAR CHAIRMAN KING: You made a personal and public commitment last night. You broke it.

We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process. However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill, as well as many other important security measures. Consequently, these important elements of our transportation systems remain vulnerable to terrorist attack.

Despite deadly attacks on transit systems worldwide—in Madrid two years ago (191 innocent civilians killed), in London last year

(52 killed), and Mumbai this year (207 killed)—Congress has not passed a transit security bill. The transit community has identified \$6 billion in security needs, of which only less than a tenth has been made available by Congress. Even less has been done to protect the 25 million annual Amtrak riders and the millions of Americans that live and work near freight railroad tracks and passing trains carrying highly hazardous materials.

The Senate had included in its version of the bill comprehensive plans to improve U.S. rail security and mass transit security, the second time the Senate has passed these provisions since 9/11. In addition, the Senate included provisions improving the security of other surface transportation modes, including truck, bus, hazardous materials transportation, and pipeline security, as well as several that strengthen aviation security.

Conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the wishes of an overwhelming majority of House members, who voted last night 281–140 to instruct House conferees to accept rail and transit titles, as well as other important provisions.

Americans expect us to help keep them safe. We can only hope that you have a good reason for denying them that peace of mind.

Sincerely,

FRANK R. LAUTENBERG.
PATTY MURRAY.
JOE LIEBERMAN.
PAUL SARBANES.
JOHN D. DINGELL.
ED MARKEY.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all thank the gentleman from Michigan for his undying affection that he shows for me so often, especially tonight. It really warms my heart, and I want to thank him especially for it.

I would, however, just like to touch on a few things. First of all, this is the SAFE Port Act. I have listened as carefully as I possibly can. I have listened; I have asked Mr. LUNGREN to listen; I have asked staff to listen. I have not heard even one remote criticism of the port security aspects of this bill. This is a port security bill. We had staff negotiations going on day after day after day.

Now, the gentleman from Michigan raised the question of last night. Let us explain this right now. It was explained before. We will try again.

The fact is last night there was no legislative text incorporating the staff recommendations. The Senate assured us they would provide it. The Senate did not have it last night. The Senate refused to provide it. The first we saw it was 3 o'clock this afternoon. What is going on in the Senate is up to them, but that is where the final text was.

Now, if the gentleman is saying that when they came back in at 3 o'clock this afternoon, rather than take advantage of a bill which has been worked on for 6 months, which has gone through subcommittee, which has gone through committee and which has gone through the House floor, which was worked out so carefully with Senator COLLINS and Senator LIEBERMAN and Senator MUR-

RAY, which had strong bipartisan support, that because of the fact that the Senate language was not over here in time for the gentleman from Michigan, that we should put that aside, and taking the risk of not taking advantage of this moment, of not seizing the moment and passing this historic legislation to save our Nation, I have heard of people who cannot take "yes" for an answer.

We said last March, let us put together a port security bill. We did it. We put together a good bill and all we get tonight is begrudging. Well, it is good, it is this, it is that, but it is not good enough because it does not cover rail, it does not cover transit or it does not cover this. Also, as the gentleman from California reminded me, it does not contain the cure for cancer either.

But the fact is it is a very good port security bill. As the gentlewoman from California said, it is the real deal. If you want to turn your back on the real deal, if you want to vote and say I really wanted something else, this is not good enough for me, the real deal should be good enough for me.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), ranking member on the subcommittee with responsibility for ports.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank my ranking member, Mr. THOMPSON.

This conference report is a culmination of many years of working on the issue of port security. I want to begin by thanking my colleague, actually JUANITA MILLENDER-MCDONALD, whose original bill was brought to me a couple of years ago, was the framework for this, and added to that were many of the port bills that I had authored were put into that; and then Ms. HARMAN put in some more and Mr. LUNGREN put in some more and Mr. THOMPSON put in some more, and pretty soon we had a pretty good port bill. I am pleased with the port bill.

Our chairman said he did not want rail or transit or any of that, which the Senate also put in their port bill, because he did not have the time, he did not want to jeopardize a port bill.

So why is there Internet gambling in our port bill? If you had time to stick Internet gambling in our port bill, then I think you could have held a meeting today, or tomorrow if we had to stay an extra day, or the next day if we had to stay an extra day to make our country safer, especially for the people who take rail and mass transit to work.

But, no, that would have been too much. This is just a port bill, plus Internet gambling. That is why people are upset. The Senate put in rail and mass transit and port. You had people last night who asked you, Will we get to make amendments, because they wanted to put in rail and mass transit like the Senate had put in, and we had

the votes in the room to pass this port bill and to pass rail and mass transit.

□ 2345

But it was too much. I don't know if it was you, Mr. Chairman, or Speaker HASTERT. I don't know who is going to answer what happens if we have something that happens like happened in Madrid or London and we didn't fund rail or transit. Will we get blamed? Will you take the blame, Mr. Chairman? Or will you stand up and say it was the leadership; it wasn't me?

Who is responsible for not having done the right thing? That is what people are asking. That is why people are upset. They are not just upset on this side of the aisle because we know it is the right thing to do. They are upset in the Senate, on both sides of the aisle.

This is way too important for us to say, oh, gosh, we have got to get out of here on Friday, and let's not work another day. I would have stayed here a week. I would have stayed here a month. You know, I have been working on this for about 4 or 5 years. If we could have gotten that in, it would have been the right thing to do.

You are right, Mr. Chairman. This is a good port bill, because we took our time and we did it right. But it could have been a much better security bill, a security bill that last night the majority in this House said they wanted, a security bill not only to secure containers and freight that come into this country but a bill that would have helped the people who commute every day to work and make America go.

Mr. KING of New York. Mr. Speaker, again I inquire as to how much time remains.

The Speaker pro tempore. The gentleman from New York has 15½ minutes remaining, and the gentleman from Mississippi has 10½ minutes remaining.

Mr. KING of New York. Mr. Speaker, I would add that, again, I have been listening and listening, and there is no criticism at all of the port security. And again, rather than to take yes for an answer, we are talking about going around our committee process. The fact is, one of the reasons this bill is so good is because it was at the subcommittee level, the committee level, and then it went to the floor.

This was a long process on the port security aspect of it. Rather than just accept something coming over from the Senate at the last minute, I have enough respect for the integrity of the process of our committee that I want to replicate that when we are dealing with transit and when we are dealing with rail and working, of course, with Mr. YOUNG. I don't want to get him nervous while he is sitting here. But it is essential that we do do it in a deliberative process.

Again, it is beyond me why, after a 6-month process where there was such bipartisanship, such working together, both here and in the Senate, that the begrudgers of the world have arrived on

the floor tonight and all they can say is there is something here that is good, though they are afraid to acknowledge it, and then they talk about something which was never part of our bill to begin with.

We dedicated ourselves to port security, and we got it done. We should be proud of that. And, again, there is a special place in life for begrudgers.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the conferees on this particular bill.

Mr. PASCRELL. You know, Mr. Chairman, you sound like an Irish tenor this evening.

This is a bill which we can support. We thank both staffs on both sides of the aisle. They worked very hard on this.

Simply put, this is a good bill. Many Members on both sides of the aisle have worked tirelessly to bring the critical legislation to finality; and while I think it could have been improved if those of us on the conference committee were given a chance to offer further amendments, I wish to remind the chairman, last night, ultimately, this is still a good product.

There is no doubt that authorizing \$400 million in port security grants for each of the fiscal years of 2007 to 2012 is a wise undertaking, as is creating firm deadlines to require the Department of Homeland Security to issue transportation worker identification cards to workers with access to secure areas of ports. No one should be allowed into those ports that do not have a proper card and a proper identification; and we should really carry this over to those folks who work at our airports, which we have not done.

I am particularly pleased that the two provisions I was able to secure when this bill originally came before the Homeland Security Committee remains within the legislation this evening: Section 114, which authorizes the Secretary of DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and other relevant stakeholders to coordinate appropriate response and recovery from acts of terror. Section 115, which directs the Secretary to require each high-risk facility to conduct live or full-scale exercises not less than once every 2 years in accordance with the facility security plan that this bill mandates.

Both provisions will enhance the capabilities of our Nation's seaports to prevent, prepare for, respond to and mitigate against acts of terror. I am grateful for this inclusion in the legislation.

But, as with so many things in the realm of homeland security, we have missed some opportunities. I, like most of my Democratic colleagues, would have much preferred that this bill also included improvements to security for

America's rail, subway, buses, and trucking. And in all due reverence, I know that you feel the same way, Mr. Chairman.

But we've got to the best point at the best time, and we need to pass this legislation, and I want to thank the ranking member, Mr. THOMPSON.

Mr. KING of New York. Mr. Speaker, I would like to thank the gentleman from New Jersey for his kind remarks about the bill, and I especially want to tell him how much it means to me that he commented on my great Irish singing voice as I was delivering my oration tonight. So, Mr. PASCRELL, you are a man of great ethnic perspicacity and my admiration for you is unbounded.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 4954, the SAFE Port Act, which is a comprehensive approach to securing our ports. And though not a perfect bill, it surely could have been better, it is an important first step.

One of the worst-case scenarios experts fear is that terrorists would be able to smuggle nuclear material across our ports. This is an unacceptable reality that we face today, which highlights just how important it is that we have adequate detection devices at all of our seaports and border crossings. Our radiation portal monitors are our last, best chance to prevent catastrophic nuclear or radiological attack, and our intelligence analysts continue to tell us that the threat is very real.

I am glad to see that under this bill all containers entering the U.S. through the 22 busiest seaports will be examined for radiation by the end of next year. While this is certainly a great start, we ultimately need to deploy radiation portal monitors at every point of entry to fully secure our Nation's ports.

I am also pleased to see that this bill contains provisions to strengthen the Container Security Initiative. Under the SAFE Port Act, we will have a greater ability to foster communication between the United States and the operators of foreign ports to inspect more U.S.-bound cargo before it reaches our ports. We need to continue to do everything in our power to screen cargo at its point of origin to prevent the dangerous possibility of nuclear material ever reaching our shores.

Mr. Speaker, the SAFE Port Act most certainly makes strides in terms of securing our ports, but we must acknowledge that it is just one step in a much larger process. I will continue to work with my colleagues on both sides of the aisle to secure our Nation's vulnerable ports.

I want to commend both the chairman and the ranking member for their

hard work in getting us to this point today. Again, it is an important first step. Let us continue to rededicating ourselves to making sure that we are doing all we can to make sure the American people are safe.

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

Mr. THOMPSON. Might I inquire, Mr. Speaker, as to how much time remains.

The SPEAKER pro tempore. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. As there is a great deal of admiration in this room, let me say that I too admire the staff and the authors of this bill, Ms. SANCHEZ, Ms. HARMAN, Mr. THOMPSON, and the work of Mr. LUNGRON and Mr. KING, but it is obvious we could have done more. And I listened to the distinguished gentleman talking about regular order. We have not had regular order this entire day.

I do want to say the good work shows that we are concerned about port security, with \$400 million in port security grants, training for port workers, such as longshoremen, transportation workers' I.D. cards, screening of the 22 busiest airports, establishing the Domestic Nuclear Detection Office, additional Customs and border protection personnel and port security plans.

But I am very proud of the language of training residents of seaport communities, that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the homeland security training program described in this bill. This was language that I included because of the area in which we live in Houston where there is sizable populations living around the community.

The port security training program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving population at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

However, I would hope that we would move toward in the next few months 100 percent screening of container cargo, which we have not done.

I also hope that we realize, as my colleagues have said and as Mr. THOMPSON's overwhelming motion to instruct said, we have to be concerned about rail security. I mentioned during his motion to instruct that rail security is

not just people riding Amtrak. It is the railroads that travel through neighborhoods throughout the regions of the Nation, including the South.

I would also note that I live around a very large port, and this will have a positive impact on the Houston port. I ask my colleagues to support it, though I am disappointed, Mr. Speaker, that we have extraneous material, such as the Internet gambling, on this bill.

I rise in support of the Conference Report to the SAFE Port Act of 2006, H.R. 4954, which represents a significant step forward toward national security and safety for our seaports. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

All of us share the common goal of all Americans of making the movement of cargo through the global supply chain as secure as possible, and are committed to doing everything feasible to ensure the security of the Nation's ports.

Many elements of this legislation are beneficial: \$400 million in port security grants for each of fiscal years 2007–2012; training for port workers, such as longshoremen; Transportation Workers Identification Credential (TWIC) cards to workers with access to secure areas of ports and background checks; screening at the 22 busiest seaports; establishment of the Domestic Nuclear Detection office, DND, within the Department of Homeland Security; additional Customs and Border Protection personnel; requires port security plans to include training for residents of neighborhoods around facilities.

Safe and secure seaports are an essential element in building efficient and technologically advanced supply chains that move cargo quickly to distribution centers, stores, and factories around the world. Although we have made progress since the 9/11 attacks in enhancing the security of the nation's ports, we cannot afford to be complacent.

INCORPORATED AMENDMENT: TRAINING FOR RESIDENTS OF SEAPORT COMMUNITIES

I am proud and thankful that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the Homeland Security Training Program described in this bill.

The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country have a "Neighborhood Watch" program that teaches citizens to watch for suspicious activity or other signs of danger. This language provides for a similar "citizens corps" preparation program in anticipation of a national security threat. The intent is to mimic the Citizen Corps

initiative begun by the White House and the Department of Homeland Security in 2002.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

Fifty-two states and territories have formed state level Citizen Corps Councils to support local efforts. My hope is that before the next disaster, our citizens will be aware and trained to react effectively and timely, and perform as local responders themselves.

MORE MUST BE DONE 100% SCREENING

While there are good elements of this bill, I am compelled to discuss the fact that this bill could have been so much more, and could have definitively contributed to national security efforts. I am dismayed at the fact that there are gaps in this report wide enough to let terrorists through.

Apparently, it is not important to know what is arriving by sea cargo.

This bill fails to require 100 percent scanning of contents bound for our borders before they leave other nations. By the time they arrive and are unloaded onto our soil, it is too late.

We have the technology to do this—the ports of Hong Kong and Boston already screen most inbound cargo for both radiation and lead shielding (to hide the radiological materials) using commercially available technology without interrupting the flow of commerce. As we continue to fight to protect our borders, we need to continue to develop cutting edge technologies to detect and defeat next generation threats to port security.

According to security expert Steve Flynn, the cost would be about \$50–\$100 per container—minimal compared to the \$4000 per container it costs to ship from Asia to the U.S., and to the \$66,000 in average worth that each container carries. This is accessible, technologically feasible, and necessary. It is beyond me why it is not a part of this bill.

RAIL AND MASS TRANSIT

It is unacceptable to consider rail and mass transit security, as Secretary Chertoff stated, "goulash." I fear the day when a tragedy will strike on a subway, or on a bus, and we will suddenly discover how large a mistake it was to miss this opportunity. We know how easy a target mass transportation can be—witness Israel, London, Madrid, and Mumbai amongst so many others. We have focused so much effort on securing our borders. I wonder why Republicans are not just as concerned with securing us.

I am disappointed that this provision is not included in this conference report. At the very least, yesterday's Motion to Instruct the Conference, which passed 281–170, instructed the conferees to accept the rail and mass transit provisions from the Senate. It takes gall to ignore an on-record vote of the House of Representatives.

HOUSTON PORT AND ECONOMIC DATA

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of

7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly \$11 billion in economic impact. Additionally, more than \$649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80% of those people live in the Houston metropolitan area.

Centrally located on the Gulf Coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation's largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

CONCLUSION

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest.

There are many such cities and states across the country that are vulnerable and need the federal government's leadership for security and protection. The legislation is a good start, yet it will not be sufficient. I challenge my colleagues on the Homeland Security Committee to consider this only the first step in securing and protecting our nation's ports, and a necessary gateway to addressing the vulnerabilities of rail and mass transit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank the ranking member of Homeland Security, Mr. THOMPSON, for allowing me to speak for a minute.

I have a question to ask. I was listening to Mr. DINGELL when he spoke eloquently about his disappointment that this bill did not address security when it comes to mass transit, railroads, bus stations, and Amtrak. And when Mr. KING got up to respond, he said the reason it doesn't contain any security for mass transit, railroads, bus stations, and Amtrak is because this is a port security bill. And he said it again. This is a port security bill. And he repeated it a third time. This is a port security bill.

So can he please explain to me if this is a port security bill, that we can't put protections and security for our buses and Amtrak and mass transit and railroads, how is it that we managed to put a ban on Internet gaming?

□ 0000

Mr. KING of New York. Mr. Speaker will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from New York.

Mr. KING of New York. First of all, I am not responsible for the germaneness rules in the Senate. Secondly, this is the bill that came back to us from the Senate.

Ms. BERKLEY. Before I yield again, I know you may not control the rules of the Senate, but how about the House? Do you have any say here?

Mr. KING of New York. I would just add, if the gentlewoman will yield, this is the bill that came back to us from the Senate, and I would remind the gentlewoman that unlike the transit and rail provisions, which never passed this House, the Internet gambling bill legislation did pass this House by a vote of 317–93. There was at least some nexus which was lacking with the others.

Ms. BERKLEY. Mr. Speaker, reclaiming my time, could you please explain the nexus to me between port security to keep this country safer and a ban on Internet gaming? Give me a break.

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

Mr. Speaker, I would like to remind my chairman that the motion to instruct said to include rail and mass transit to the conferees. That is in response to your response to the gentlewoman from Las Vegas. We more or less said “do it” from the House perspective, and it wasn’t done.

Mr. KING of New York. Mr. Speaker, if the gentleman will yield, I was just trying to answer the gentlewoman’s question. She thought I was giving her a break.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 2½ minutes.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Mississippi, and I thank him for his excellent work on that legislation.

I would say that the gentlewoman made a fine point here. The Democrats waited for days to find out what was in this bill as the Republicans deliberated by themselves. Finally it comes back over, and we learn what they included.

Did it have anything on rail and rapid transit security? No. Did it have something on moving hazardous materials in a way that got them around densely populated areas? No. Did it have anything to do with ensuring that we screen for nuclear bombs on ships before they came into the ports of the United States? No.

But what did they include? Well, they included an Internet gambling bill. Now, you would think given the fact that it was a port bill, you would think they would have something in it on riverboat gambling. But, no, nothing even on that.

So, ladies and gentlemen, what they have produced is a fine piece of political pork that the Republican Party in secret has put together. Meantime, al Qaeda has their number one objective in the world still undealt with by the Republicans, and that is obtaining a nuclear weapon out of the former Soviet Union, bringing it to a port in the world, placing it in a container on that ship, bringing the ship into a port in the United States, and then detonating

that nuclear bomb before it is ever taken off the ship. And the Republicans in this bill, do they require that there be screening for nuclear bombs before they leave for the United States? No.

So, ladies and gentlemen, this bill on the central issue is a failure. The number one threat to our security, a nuclear bomb in a container on a ship, no requirement at all for the screening before it comes to our port. They have the screening after the nuclear bomb reaches the port in the United States. By then it is too late.

So, ladies and gentlemen, it is like instead of buying a dog, they put up a “beware of dog” sign. So when the bomb has reached the port of New York or Boston or L.A., the only thing that will be there is “beware of dog.” They refuse to put up the protection.

Vote “no” on this terrible bill.

The SPEAKER pro tempore. The gentleman from New York has 14 minutes remaining.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the matter under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume. I assure the House I will not use the 14 minutes.

I also at this stage would like to commend the staff for the tremendous work they have done throughout this process. I would like to thank Mandy Bowers, Matt McCabe, Amanda Halpern, Kevin Gronberg, Diane Berry, Sterling Marchand, Kerry Kinirons, Mark Klaassen, Mike Power, and also the people on the minority staff.

In saying that, let me just say, Mr. MARKEY brought us into the new day, his eloquence, his soaring rhetoric brought us into the new day, but he uses the same tired arguments of yesterday, the arguments we hear time and again, the tired metaphors, the lame similes, he goes on and on.

He says Democrats were kept out of the process. Democrats were involved every step of the way, every minute, until the Internet gambling came over, which we found out about for the first time at the same time he did. Now, he may want to talk to the minority leader in the Senate and ask him why he consented to this being in, why they wanted it in. That is not my problem.

But the fact is, it is really wrong to suggest that there was any moment at all throughout the past 10 or 12 days, when at every stage of the way we ensured that the Democratic staff was there reporting back to their principals, I don’t know where the gentleman from Massachusetts was. Maybe he was out buying a dog. I don’t know. But the fact is if he had spoken

with his staff, if he had spoken to the committee staff, if he had spoken to the ranking member, he would have known what was going on.

Also, I waited patiently for 29½ minutes listening to the opposition trying to hear one person say one negative word about the port security bill. Finally, Mr. MARKEY came up with his argument and he was talking about detecting radiation overseas.

The fact is, again in the spirit of bipartisanship and bicameralism, we adopted the language put forth by Senator LAUTENBERG in the Senate to have three pilot projects. So there we are agreeing with the Senator from New Jersey, which I guess is not good enough for the gentleman from Massachusetts.

I would also say that this legislation goes right to the heart of the issues that we are trying to address. The gentleman from Massachusetts cannot accept that.

But I will say for the other Members, certainly Mr. PASCRELL, for the contributions that he made to this bill, to the ranking member, to Mr. LANGEVIN, who has really been a leader in the whole issue of radiation portal monitors, they have been there.

So I would again say let us celebrate the fact that we are passing historic port security legislation tonight. Let us respect the fact that our committee, which is only in its second year, has passed major legislation. Let us respect the fact and acknowledge the fact that our committee paved the way. We showed the way for the Senate. We passed a bill which has been virtually intact, from the subcommittee to the committee to the House floor and now here tonight with the conference report.

And rather than begrudging, rather than saying it could have been this or it could have been that, rather than let the perfect be the enemy of the good, let’s accept this good legislation, let’s go forward, let us realize we made the American people far safer. And we did it because of a bipartisan effort, which should have been bipartisan right to the last moment. Unfortunately, the naysayers tried to take this over. The fact is they cannot deny the reality. This is excellent legislation that makes our country safe. We should be proud.

I urge the adoption of the resolution.

Mr. LOBIONDO. Mr. Speaker, I rise in support of the very significant provisions in the SAFE Port Act that will go a long way to make our ports and waterways secure. I thank Chairman YOUNG and Chairman KING for their hard work on this legislation.

I am particularly pleased with the inclusion of the Maritime Terminal Security Enhancement Act, legislation I authored in the wake of the Dubai Ports deal to ensure that the security at our ports remains in the hands of American citizens. The Maritime Terminal Security Enhancement Act would require Facility Security Officers to be American citizens. It would also provide for periodic, unannounced inspections of security at our port facilities, as well

as place deadlines on the deployment of the Transportation Worker Identification Card to ensure the identity of our port workers; a long range vessel tracking system that will enable the Coast Guard to further extend our borders and monitor vessels bound for U.S. ports; and requires the Department of Homeland Security to issue regulations to require foreign merchant mariners to carry an enhanced crew member identification credential when calling on U.S. ports.

The SAFE Port Act builds on the unprecedented work we did in the Maritime Transportation Security Act of 2002. I was proud to be an author of that bill and I am proud of the work we did to enhance port security in this bill.

However, I am not proud, nor do I support the decision by the leadership in the other body to attach at the last minute and without consultation, the Internet Gambling Prohibition and Enforcement Act. There is no question that Internet technology has rapidly and substantively changed over the past six years, with new advancements being made every day. It is therefore imperative that our thinking about how best to regulate activities such as Internet gaming also evolve with the times. Unfortunately, this bill does not take into account the significant advancements in the technology, nor does it include language I support to establish a commission to study whether Internet gaming can be properly regulated.

Mr. Speaker, I will be reluctantly supporting the SAFE Port Act, as I am extremely disappointed with the action of the leadership in the other body to attach this non germane issue to an otherwise tremendous piece of legislation that will strengthen and enhance our ability to keep our nation's ports and waterways secure.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I'm glad to see that we're finally seeing this very important and long overdue port security legislation on the House floor.

There are 14 major ports in my home state of Florida, with the Port of Jacksonville in my hometown. And we have failed so far in devoting the money they need to protect their facility.

Unfortunately, we're still failing to protect the 25 million passengers who ride Amtrak each year. 69,000 passengers ride Amtrak every day, and yet they don't qualify for any of the money being authorized in this bill and are offered no more protections than they have today. That is shameful.

I can't believe that anyone in this House, following the bombings in Madrid and in London, doesn't believe that terrorists would attack an Amtrak train on the Northeast corridor that connects Washington, DC, New York, and Boston.

This Republican Congress deserves an F for what they have done to protect transit and passenger rail in this country. They wasted an opportunity to protect the citizens who take public transit and passenger rail to work every day.

Mr. GIBBONS. Mr. Speaker, I rise today to state how deeply disappointed I am that the conference report for H.R. 4954, this vitally important bill that is meant to secure our ports and protect our nation from terrorists, has been amended to include internet gaming language.

Internet gaming has nothing whatsoever to do with port security. It is irresponsible to in-

sert this non-germane language into a homeland security measure.

This Congress should not overreact by restricting the growing industry of online gaming without giving serious review to the potentially negative impacts of such a rash decision.

We know that current efforts by states and the federal government to regulate internet gaming have pushed online consumers to illegal, black market sites that have little to no regulation.

Online gaming is a potential economic opportunity for the State of Nevada and the entire country. Current estimates of online gaming revenues range from \$7 billion to \$10 billion for 2004 alone, with U.S. bettors providing at least \$4 billion or more of that amount.

Many nations, including England, are in the process of legalizing, regulating, and taxing online gaming.

I, along with my colleagues from Nevada, Congresswoman BERKLEY and Congressman PORTER, have introduced a bill, H.R. 5474, that would establish a nine-member commission to undertake a complete study of the internet gaming issue. The results of this study would allow the President, the Congress, and every state and tribal government to make informed decisions about this issue and presents a much better alternative to a knee-jerk total ban on the activity.

I voted for H.R. 4954 because it is necessary that we secure our ports against those who wish to do us harm, but I do so with grave disappointment in the decision to add this nongermane internet gaming language.

Mr. PAUL. Mr. Speaker, I was pleased to vote for the SAFE Ports Act when it was considered by Congress in May and I intend to do so tonight. However, I am disturbed that The Internet Gambling Prohibition and Enforcement Act was added to this bill during conference. My understanding is that this provision was slipped into the bill at the conclusion of the conference even though internet gambling has nothing to do with port security.

I have long opposed The Internet Gambling Prohibition and Enforcement Act since the federal government has no constitutional authority to ban or even discourage any form of internet gambling. In addition to being unconstitutional, this provision is likely to prove ineffective at ending internet gambling. Instead, by passing law proportion to ban internet gambling Congress will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile "war on drugs," shows that the government cannot eliminate demand for something like internet gambling simply by passing a law. Instead, this provision will force those who wish to gamble over the internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized

crime from internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from internet gambling!

In conclusion, the ban on internet gambling violates the constitutional limits on federal power. Furthermore, laws such as this are ineffective in eliminating the demand for vices such as internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. It is a shame to clutter an important and good piece of legislation like the Safe Ports Act with a blatantly unconstitutional power grab over the internet like the Internet Gambling Prohibition and Enforcement Act.

Mr. LYNCH. Mr. Speaker, I'd like to thank the gentleman from Mississippi, Mr. THOMPSON, for yielding me this time.

Mr. Speaker, I rise in regards to the conference report to accompany H.R. 4954, the SAFE Port Act.

As representative of the Port of Boston—I'm pleased that today's conference report takes important steps towards better safeguarding our Nation's 361 sea and river ports—through the authorization of significant increases in port security grants for each of fiscal years 2007 through 2012, meaningful port worker security training provisions, and substantive container screening and scanning improvements.

At the same time, I must say that I'm disappointed that the agreement under consideration does not include the language to strengthen rail and transit security passed by the U.S. Senate during its consideration of port security legislation.

By including language to authorize \$1.2 billion for freight and passenger rail security as well as \$3.5 billion for mass transit security in a ports bill, the Senate clearly recognized that rail and mass transit have also been grossly underfunded, this in the face of repeated terrorist attacks against rail and transit systems worldwide—from Paris, Tokyo, and Moscow to Madrid, London, and most recently, Mumbai.

In furtherance of the Senate's action, just yesterday the House passed a motion to instruct the House conferees to accept the Senate's position on rail and mass transit security by a margin of 281–140. Regrettably however, the rail and transit language did not make it into this conference report.

Mr. Speaker, while this agreement is a good start towards securing our seaports and the international supply chain, I think we've missed a major opportunity to afford rail and transit similar respect.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support the Conference Report on H.R. 4954, the SAFE Port Act. This bipartisan legislation makes critical improvements to strengthen our domestic and international security efforts and provides the resources necessary to detect tampered cargo before it enters our ports. Passage of the SAFE Port Act today is vital to our national security.

For Washington state, the SAFE Port Act will bring greater regional coordination, new security grants, increased Customs personnel for Puget Sound and radiation detection equipment that is both modern and appropriate for the Port of Tacoma's increased rail capacity.

The SAFE Port Act also takes important steps to plan for and immediately recover from any incidents on our docks. With the increased role of western ports like the Port of

Tacoma and the Port of Seattle in our global economy, we must ensure the free flow of commerce.

Passage of the SAFE Port Act will help protect our communities, our critical infrastructure and our homeland. The SAFE Port Act will move America in the right direction.

Ms. LEE. Mr. Speaker, I rise in support of the conference report for H.R. 4954, the SAFE Port Act.

As a member of the Port Security Caucus and as an original co-sponsor of this legislation, I have been consistently fighting for a massive increase in funding and focus to secure our Nation's ports.

But as the 9/11 Commission's failing grades have pointed out, over the last four years, the administration and the Republican Congress have done far too little to secure our Nation's critical infrastructure.

Just earlier this week the Homeland Security Department announced its latest round of port security grants. The Port of Oakland in my district did not get a single penny even though it's the 4th busiest container port in the country and is a gateway to trade with Asia and the Pacific. That is just inexcusable.

By authorizing \$400 million in annual port security grants, the SAFE Port Act takes a step in the right direction. Now we have the responsibility to fund it.

We must also fix the gaps that still remain by requiring 100% screening of cargo before it reaches our shores.

At the same time I am disappointed that the Senate language to expand funding to secure our rail and transit systems was not included in this bill.

The London and Mumbai rail and subway bombings happened on our watch. We should not adjourn this session without addressing this critical vulnerability.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am pleased the House and Senate were able to come together and address port security through the passage of H.R. 4954, the SAFE Port Act. This may be the most important piece of legislation we pass in the 109th Congress.

Clearly our Nation's ports are critical to America's economic vitality. A major attack on the U.S. maritime transportation system would simply devastate the U.S. economy. Some 95% of American trade enters the U.S. through one of 361 seaports on board 8,500 foreign vessels and makes more than 55,000 port calls per year, which total worth is nearly \$1 trillion dollars. Securing these and the rest of America's ports as well as the economic contributions they make must remain a top priority for each of us.

As the proud Representative from California's 37th District, it is my responsibility to enhance the security at the Ports of Long Beach and Los Angeles, the largest port complex in the Nation and the third largest in the world. In fact, over 52% of all waterborne cargo moves through the Ports of Long Beach and Los Angeles alone.

This is a bill rooted in sound policy. Many provisions of the SAFE Port Act was language in my legislation H.R. 478, the United States Seaport Multiyear Security Enhancement Act, which I introduced in February 2005. It was imperative that Congress passed a port security bill which included multi-funding and a

broad approach to securing the entire international supply chain.

I urge the President to sign the SAFE Port Act as soon as possible, as America's ports and those who live around them can wait no longer.

Mr. PORTER. Mr. Speaker, I take this opportunity to clarify my "yes" vote on Final Passage on the Conference Report H.R. 4954 SAFE Port Act. My "yes" vote is in full support of all the necessary Homeland Security and Port Security provisions included within the legislation, however, I do not support the inclusion of the non-germane and unnecessary prohibition on Internet Gaming. I am strongly opposed to the inclusion of this language and long felt that Congress does not have a comprehensive understanding of the complexities of this issue. It is based on this lack of knowledge that I introduced H.R. 5474, The Internet Gambling Study Commission Act. It is imperative that Congress fully understand the facts of internet gaming before coming to any rash decisions. The purpose of my bill is:

To establish a commission to study issues posed by the continued spread and growth of interstate commerce with respect to Internet gambling.

Although U.S. federal and state governments insist that online gambling is illegal, in reality it is thriving. There is a huge disconnect between current government policy and reality.

Millions of U.S. residents gamble online every day without the protection of reliable regulatory structures that ensure age and identity verification, the integrity and fairness of the games, or that responsible gaming policies are followed.

Neither U.S. federal nor state governments receive tax revenues from online gaming.

Disrespect spreads for laws that are neither enforced nor evidently enforceable against an activity that enjoys wide and growing popularity.

The online gaming industry creates no jobs in the United States and American businesses earn no returns from online gambling.

Current inconsistencies in U.S. Internet gambling policy could lead to sanctions by the World Trade Organization (WTO).

Again, Mr. Speaker, I am opposed to this inclusion of this language and look forward to working with my colleagues to enact my legislation, or some similar type of study legislation in the future.

Mr. THOMAS. Mr. Speaker, I am pleased to be here today to advance this important legislation. A few weeks ago, President Bush gave a speech in which he stated that our intelligence shows that al-Qaeda has two main goals—to destroy our nation physically through attacks such as 9/11; and to pursue a "death by bleeding" strategy in which terrorists destroy us economically. We could protect against al-Qaeda's first goal by shutting down our borders—but by cutting off America's life blood of trade, we would actually be helping al-Qaeda achieve its second goal.

This bill is the right way to protect both our borders and our economy. It utilizes innovative systems to protect our citizens, and it provides new resources along our borders. Through programs such as the Customs-Trade Partnership against Terrorism, we bring the energy and experience of the trade community into our fight against terrorism. These programs,

together with the bill's provisions modernizing our international trade data systems, also show that we can facilitate legitimate trade while at the same time providing information to our law enforcement officials to identify and stop threats.

To defeat al-Qaeda and prevent it from achieving its goals of destroying America physically and economically, the Administration, Congress, our citizens in the private sector, and our international partners must work together—and trade cannot be seen as the enemy of security.

I have made it a priority in this bill to ensure that through consultation and cooperative programs, all of these key partners are brought together so that we have the most effective and unified effort we can against terror and for trade.

I congratulate all the Members of this Conference on this bill and look forward to its quick passage.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 409, noes 2, not voting 21, as follows:

[Roll No. 516]

AYES—409

Abercrombie	Brady (PA)	Davis (AL)
Ackerman	Brady (TX)	Davis (CA)
Aderholt	Brown (OH)	Davis (FL)
Akin	Brown (SC)	Davis (IL)
Alexander	Brown, Corrine	Davis (KY)
Allen	Brown-Waite,	Davis (TN)
Andrews	Ginny	Davis, Jo Ann
Baca	Burgess	Davis, Tom
Bachus	Burton (IN)	Deal (GA)
Baird	Butterfield	DeFazio
Baker	Buyer	DeGette
Baldwin	Calvert	Delahunt
Barrett (SC)	Camp (MI)	DeLauro
Barrow	Campbell (CA)	Dent
Bartlett (MD)	Cannon	Diaz-Balart, L.
Barton (TX)	Cantor	Diaz-Balart, M.
Bass	Capito	Dicks
Bean	Capps	Dingell
Beauprez	Capuano	Doggett
Becerra	Cardin	Doolittle
Berkley	Cardoza	Doyle
Berman	Carnahan	Drake
Berry	Carson	Dreier
Biggert	Carter	Duncan
Bilbray	Chabot	Edwards
Bilirakis	Chandler	Ehlers
Bishop (GA)	Chocola	Emanuel
Bishop (NY)	Clay	Emerson
Bishop (UT)	Cleaver	Engel
Blackburn	Clyburn	English (PA)
Blumenauer	Coble	Eshoo
Blunt	Cole (OK)	Etheridge
Boehlert	Conaway	Everett
Boehner	Conyers	Farr
Bonilla	Cooper	Fattah
Bonner	Costa	Feeney
Bono	Costello	Ferguson
Boozman	Cramer	Filner
Boren	Crenshaw	Fitzpatrick (PA)
Boswell	Crowley	Forbes
Boucher	Cubin	Fortenberry
Boustany	Cuellar	Fossella
Boyd	Culberson	Foxx
Bradley (NH)	Cummings	Franks (AZ)

Frelinghuysen Lungren, Daniel Rohrbacher
 Gallegly E. Ros-Lehtinen
 Garrett (NJ) Lynch Ross
 Gerlach Mack Rothman
 Gibbons Maloney Roybal-Allard
 Gilchrest Manzullo Royce
 Gillmor Marchant Ruppersberger
 Gingrey Marshall Rush
 Gohmert Matheson Ryan (OH)
 Gonzalez Matsui Ryan (WI)
 Goode McCarthy Ryun (KS)
 Goodlatte McCaul (TX) Salazar
 Gordon McCollum (MN) Sanchez, Linda T.
 Granger McCotter Sanchez, Loretta
 Graves McCrery Sanders
 Green (WI) McDermott Saxton
 Green, Al McGovern Schakowsky
 Green, Gene McHenry Schiff
 Grijalva McHugh Schmidt
 Gutknecht McIntyre Schwartz (PA)
 Hall McKeon Schwarz (MI)
 Harman McKinney Scott (GA)
 Harris McMorris Scott (VA)
 Hart Rodgers Scott (VA)
 Hastings (FL) McNulty Sensenbrenner
 Hastings (WA) Meek (FL) Serrano
 Hayes Meeks (NY) Sessions
 Hayworth Melancon Shadegg
 Hensarling Mica Shaw
 Herger Michaud Shays
 Herseth Millender- Sherman
 Higgins McDonald Sherwood
 Hinckley Miller (FL) Shimkus
 Hinojosa Miller (MI) Shuster
 Hobson Miller (NC) Simmons
 Hoekstra Miller, Gary Simpson
 Holden Miller, George Skelton
 Holt Mollohan Slaughter
 Honda Moore (KS) Smith (NJ)
 Hooley Moore (WI) Smith (TX)
 Hostettler Moran (KS) Smith (WA)
 Hoyer Moran (VA) Snyder
 Hulshof Murphy Sodrel
 Hunter Murtha Solis
 Inglis (SC) Musgrave Souder
 Inslie Myrick Spratt
 Israel Nadler Stearns
 Issa Napolitano Stupak
 Istook Neal (MA) Sullivan
 Jackson (IL) Neugebauer Sweeney
 Jackson-Lee (TX) Northup Tanner
 Jefferson Nunes Tauscher
 Jenkins Oberstar Taylor (MS)
 Jindal Obey Taylor (NC)
 Johnson (CT) Olver Terry
 Johnson, E. B. Ortiz Thomas
 Johnson, Sam Osborne Thompson (CA)
 Jones (OH) Otter Thompson (MS)
 Kanjorski Owens Thornberry
 Kaptur Pallone Tiahrt
 Keller Pascrell Tiberi
 Kelly Pastor Tierney
 Kennedy (MN) Paul Towns
 Kennedy (RI) Payne Turner
 Kildee Pearce Udall (CO)
 Kilpatrick (MI) Pelosi Udall (NM)
 Kind Pence Upton
 King (IA) Peterson (MN) Van Hollen
 King (NY) Peterson (PA) Velázquez
 Kingston Petri Visclosky
 Kirk Pickering Walden (OR)
 Kline Pitts Walsh
 Knollenberg Platts Wamp
 Kolbe Poe Wasserman
 Kucinich Pombo Schultz
 Kuhl (NY) Pomeroy Waters
 LaHood Porter Watson
 Langevin Price (GA) Watt
 Lantos Price (NC) Waxman
 Larsen (WA) Pryce (OH) Weiner
 Larson (CT) Putnam Weldon (FL)
 Latham Radanovich Weldon (PA)
 LaTourette Rahall Weller
 Leach Ramstad Westmoreland
 Lee Rangel Wexler
 Levin Regula Whitfield
 Lewis (CA) Rehberg Wicker
 Lewis (KY) Reichert Wilson (NM)
 Linder Renzi Wolf
 Lipinski Reyes Woolsey
 LoBiondo Reynolds Wu
 Lofgren, Zoe Rogers (AL) Wynn
 Lowey Rogers (KY) Young (AK)
 Lucas Rogers (MI) Young (FL)

NOES—2

Markey

Flake

NOT VOTING—21

Case	Heffley	Nussle
Castle	Hyde	Oxley
Evans	Johnson (IL)	Sabo
Foley	Jones (NC)	Stark
Ford	Lewis (GA)	Strickland
Frank (MA)	Meehan	Tancredo
Gutierrez	Ney	Wilson (SC)

□ 0032

Mr. BARRETT of South Carolina changed his vote from “no” to “aye.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on Rollcall No. 516, on final passage of H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted “aye.”

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title:

H. Con. Res. 483. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.”

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal and District of Columbia Government Real Property Act of 2005”.

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term “U.S. Reservation 13” means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term “Old Naval Hospital” means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1); and

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 931).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118-A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

(d) LIMITATION ON ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law—

(1) the District of Columbia shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with the property for which title is conveyed to the Administrator of General Services under this section; and