

Wolf	Wu	Young (AK)	Hastings (FL)	McCarthy (NY)	Sanchez	Meeks (NY)	Quinn	Visclosky
Woolsey	Wynn	Young (FL)	Hastings (WA)	McCollum	Sanders	Oberstar	Sweeney	Wexler
NOT VOTING—12								
Carson (IN)	Ford	Oberstar	Hayes	McCrery	Sandin			
Cubin	Hilleary	Quinn	Herger	McHugh	Schaffer			
DeFazio	Johnson (CT)	Sweeney	Hill	McInnis	Schakowsky			
Everett	Jones (OH)	Wexler	Hiilliard	McIntyre	Schiff			
□ 1122								
So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.								
The result of the vote was announced as above recorded.								
A motion to reconsider was laid on the table.								
<hr/>								
CLEAN DIAMOND TRADE ACT								
The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2722, as amended.								
The Clerk read the title of the bill.								
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2722, as amended, on which the yeas and nays are ordered.								
This will be a 5-minute vote.								
The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 18, as follows:								
[Roll No. 453]								
YEAS—408								
Abercrombie	Callahan	Doyle	Kirk	Pence	Thompson (CA)			
Ackerman	Calvert	Dreier	Kleczka	Peterson (MN)	Thompson (MS)			
Aderholt	Camp	Duncan	Knollenberg	Peterson (PA)	Thornberry			
Allen	Cannon	Dunn	Kolbe	Petri	Thune			
Andrews	Cantor	Edwards	Kucinich	Phelps	Thurman			
Armey	Capito	Ehlers	LaFalce	Pickering	Tahrt			
Baca	Capps	Ehrlich	LaHood	Pitts	Tiberi			
Bachus	Capuano	Emerson	Lampson	Platts	Tierney			
Baird	Cardin	Engel	Langevin	Pombo	Toomey			
Baker	Carson (OK)	English	Lantos	Pomeroy	Towns			
Baldacci	Castle	Eshoo	Largent	Portman	Traficant			
Baldwin	Chabot	Etheridge	Larsen (WA)	Price (NC)	Turner			
Ballenger	Chambliss	Evans	Larson (CT)	Udall (CO)	Udall (CO)			
Barcia	Clay	Farr	Latham	Pryce (OH)	Udall (NM)			
Barr	Clayton	Fattah	LaTourette	Putnam	Upton			
Barrett	Clement	Ferguson	Leach	Radanovich	Vazquez			
Bartlett	Clyburn	Finer	Lee	Rahall	Vitter			
Barton	Collins	Fletcher	Levin	Ramstad	Walden			
Bass	Combest	Foley	Lewis (CA)	Rangel	Walsh			
Becerra	Condit	Forbes	Lewis (GA)	Regula	Wamp			
Bentsen	Conyers	Fossella	Lewis (KY)	Rehberg	Waters			
Bereuter	Cooksey	Frank	Linder	Reyes	Watkins (OK)			
Berkley	Costello	Frelinghuysen	Lipinski	Reynolds	Watson (CA)			
Berman	Cox	Frost	LoBiondo	Riley	Watson (NC)			
Berry	Coyne	Gallagly	Lynch	Rivers	Watts (OK)			
Biggert	Cramer	Ganske	Lofgren	Rodriguez	Waxman			
Bilirakis	Crane	Gekas	Lowey	Roemer	Weiner			
Bishop	Crenshaw	Gephhardt	Lucas (KY)	Rogers (KY)	Weldon (FL)			
Blagojevich	Crowley	Gibbons	Lucas (OK)	Rogers (PA)	Weldon (PA)			
Blumenauer	Culberson	Gilchrest	Luther	Rohrabacher	Wheeler			
Blunt	Cummings	Gillmor	Lynch	Ros-Lehtinen	Whitfield			
Boehlert	Cunningham	Gilman	Maloney (CT)	Rothman	Wicker			
Boehner	Davis (CA)	Gonzalez	Maloney (NY)	Roukema	Wilson			
Bonilla	Davis (FL)	Goode	Manzullo	Royal-Ballard	Wolf			
Bonior	Davis (IL)	Goss	Markey	Royce	Woolsey			
Bono	Davis, Jo Ann	Graham	Mascara	Rush	Wu			
Borski	Davis, Tom	Granger	Matheson	Ryan (WI)	Young (AK)			
Boswell	Deal	Graves	Matsui	Ryun (KS)	Young (FL)			
Boucher	DeGette	Green (TX)	McCarthy (MO)	Sabo				
Boyd	Delahunt	Green (WI)						
Brady (PA)	DeLauro	Greenwood	Akin	Flake	Paul			
Brady (TX)	DeMint	Grucci	Coble	Otter	Taylor (NC)			
Brown (FL)	Diaz-Balart	Gutierrez						
Brown (OH)	Dicks	Gutknecht						
Brown (SC)	Dingell	Hall (OH)						
Bryant	Doggett	Hall (TX)						
Burr	Dole	Hansen						
Burton	Dooley	Harman						
Buyer	Doolittle	Hart						
NAYS—6								
NOT VOTING—18								
Hastings (FL)								
Hastings (WA)								
Hayes								
Hefley								
Herger								
Hill								
Hiilliard								
Hinchey								
Hinojosa								
Hobson								
Hoeffel								
Holden								
Holt								
Honda								
Hooley								
Horn								
Hostettler								
Houghton								
Hoyer								
Hulshof								
Hyde								
Inslee								
Isakson								
Israel								
Issa								
Istook								
Jackson (IL)								
Jackson-Lee								
(TX)								
Jefferson								
Jenkins								
John								
Johnson (IL)								
Johnson, E. B.								
Johnson, Sam								
Jones (NC)								
Kanjorski								
Kaptur								
Keller								
Kelly								
Kennedy (MN)								
Kennedy (RI)								
Kerns								
Kildee								
Kilpatrick								
Kind (WI)								
King (NY)								
Kingston								
Kirk								
Kleczka								
Knollenberg								
Kolbe								
Kucinich								
LaFalce								
LaHood								
Lampson								
Langevin								
Lantos								
Largent								
Larsen (WA)								
Larson (CT)								
Latham								
Leach								
Lee								
Levin								
Lewis (CA)								
Lewis (GA)								
Lewis (KY)								
Linder								
Lipinski								
LoBiondo								
Lynch								
Maloney (CT)								

Fund and" on page 184, lines 18 and 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 3338, the Department of Defense Appropriations Act for 2002.

Mr. Speaker, the rule waives all points of order against consideration of the bill. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph. The rule provides that the amendment printed in the Committee on Rules report accompanying the resolution shall be considered as adopted.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill, except as specified in the rule.

The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI prohibiting non-emergency-designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair and open rule for a very important bill. We need

to pass this rule and the underlying defense bill so that the citizens of New York and our Armed Forces get the support they need and they get it now.

Mr. Speaker, make no mistake about it, a vote against this rule is a vote to table this legislation. A vote against this rule is a vote to delay money for New York, and it is a vote to delay funds for homeland defense, and it is a vote to delay support for our men and women in Afghanistan.

I would like to make three important points.

First, this is an open rule. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill, as long as their amendment complies with the normal rules of the House. Every Member who will come down here to complain is doing so because they are unable or unwilling to offer an amendment that complies with the rules. They are mad because the committee did not make a special exemption for them.

Second, we are really talking about two separate bills here, the regular defense appropriations bill, and the \$20 billion supplemental. This defense bill provides vital support to our military and to New York. The supplemental allows New York to get \$11 billion in recovery funds. It provides an extra \$1.5 billion above and beyond what we have already spent this year for our government's defenses against chemical and biological attack, and the regular Department of Defense appropriations bill provides an additional \$11.7 billion in extra funds to prosecute Operation Enduring Freedom, including \$1.7 billion to develop a rapid response capability after a terrorist attack.

As we speak, our best and brightest young men and women are risking their lives over in Afghanistan. Meanwhile, we have let the budget for our Armed Forces expire. The fiscal year ended on September 30 and we still have not passed a defense bill. What kind of message does that send to the men and women in uniform? It is shameful.

Now is not the time to further delay, to nitpick this bill for political reasons or political gain. Let us pass it and provide our military with \$317 billion in much needed support, including a much needed 4.6 percent pay raise.

Thirdly and last, Mr. Speaker, the funds in this bill, both for New York and our antiterrorism defenses, are above and beyond the \$40 billion we provided immediately after the September 11 attacks.

Only a few days after September 11, Congress came together and provided billions for our recovery and defense efforts. Indeed, we provided so much money that President Bush has not had enough time to spend it all yet.

As Mayor Giuliani recently said, "So far, the money we have asked for, we have gotten just as quickly as we asked for it. The reality is that we have gotten more help than we have asked for. The cooperation on the part of the

Bush administration and the Federal Government has been absolutely 100 percent. Right now, we do not need \$10 billion, and we would put it in T-bills if we got it. As we need the money, we get it."

I point this out because some Members will come to the floor in a few minutes and will have conveniently forgotten about the \$40 billion we allocated a few weeks ago. They will pretend New York has been left in the lurch.

This rule and this bill will pass, Mr. Speaker, because it is an open rule and because it is a responsible, generous bill. But unfortunately, we will see that some lawmakers have abandoned the spirit of constructive bipartisanship that prevailed so beautifully in the wake of September 11.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, halfway around the world, the men and women of the U.S. military are demonstrating unmatched courage and professionalism in the fight against the Taliban and al-Qaeda. Their successes on the battlefield are a tribute to them and their families and to America's longstanding commitment to a strong national defense.

Meanwhile, here at home, domestic security has become our top priority, and Democrats and Republicans alike are united in our efforts to prevent and defend against further terrorist attacks. This bill provides a good foundation for supporting these efforts.

In my 23 years of service in this Congress, I have always been a strong supporter of America's national and domestic security. I strongly support the funding in this bill to provide for our Armed Forces. I have consistently supported funding for our troops, for without them, we cannot fight. I have consistently supported modernizing and upgrading our equipment, for without it, our military cannot carry out its mission. I support the programs and funds in this year's appropriations for the Department of Defense.

Unfortunately, Mr. Speaker, this bill does not go far enough, because the Republican leadership in this House has refused to make the investment needed to support the war abroad fully and to protect America at home fully.

Last night in the Committee on Rules, the Republican leadership reported a rule that will not allow the House to even debate three important and relevant amendments. The first one is critical to ensuring that our troops now fighting in Afghanistan have the equipment they need to carry out their mission and to ensure the safety of their loved ones and, indeed, all Americans at home.

In the case of the second amendment, the Republican leadership refused to allow the House of Representatives to even debate an amendment which would have fulfilled the bargain made

with the city of New York to help rebuild that wounded city after the terrorist attacks of September 11.

Finally, the Republican leadership refused to allow the House to consider an amendment which would have provided critically needed funds to shore up our homeland defenses; to make sure our mail, as well as the men and women who carry it, is safe; to protect patrols on our borders; and to make sure that ships, trains, and airplanes entering our country do not carry more danger than cargo or passengers.

For that reason, Mr. Speaker, for the first time since I came to Congress, I will oppose a rule on a Department of Defense appropriation bill. It is unconscionable that the Republican leadership in this House should cut off the ability of Members of this body to debate and vote on amendments which are clearly critical to the safety and well-being of every American, whether at home or fighting abroad.

Just last month, Republican leaders insisted on spending \$25 billion on retroactive tax breaks for some of the largest corporations in this country, but now they cannot find half that amount for homeland security or national defense.

□ 1145

So they are shortchanging some of America's most pressing needs in the war on terrorism.

Take national defense. This bill does not fund 70 percent of the critical needs identified by the Department of Defense and the intelligence agencies in the wake of September 11. While America's Marines are on the ground in Afghanistan, Republican budget officials have tried to slash \$817 million from the Defense Department's request for small arms ammunition for the Marine Corps and the Army. While U.S. Special Forces work to hunt down Osama bin Laden, these same Republican budgeters have tried to cut \$1 billion from the Defense Department's request for Special Forces. That is why I offered an amendment to the rule last night to allow the House to debate an amendment providing an additional \$6.5 billion for the military's most critical needs, like intelligence, special forces and defense against chemical and biological warfare.

This amendment, which is identical to the amendment offered in the Committee on Appropriations markup by the Subcommittee on Defense ranking member, the gentleman from Pennsylvania (Mr. MURTHA), was rejected on a straight party-line vote. The Republicans on the Committee on Rules, each and every one of them, voted against allowing the House to even consider an amendment which would provide crucial critically needed money to carry out the operations in the war against terrorism.

Or, Mr. Speaker, consider the assistance pledged and promised to New York City after the attacks of Sep-

tember 11. Immediately after that tragedy, the people of New York as well as the other States affected by the tragedy were promised half of the \$40 billion down payment passed by this Congress. But the Republican leadership has chosen to shortchange the City of New York and only provide a portion of the amount of the money needed to help that great city continue its recovery process.

A bipartisan amendment offered by the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. LOWEY) that would have delivered on the promise made to New York was rejected by the Republican leadership in favor of an amendment which will not only shortchange New York but every other State in the country by literally lifting money out of their pockets.

Finally, Mr. Speaker, let us consider homeland security. Just this week, Tom Ridge, the Director of the Office of Homeland Security spoke to the House, spoke to the New York Times about the billions of dollars America needs to strengthen our homeland defense systems. We need to be stronger, Mr. Ridge said. We need to be larger. We need to be better. We all know he is right.

We need massive investments in priorities like small pox vaccinations and emergency personnel. Food and water supply safety must be improved and law enforcement agencies, from the FBI to the border patrol to State and local police, need more resources to respond to added responsibilities of America's new war on terrorism at home.

At the same time that Tom Ridge has been warning that our homeland defenses are not up to snuff right now, other administration officials have repeatedly warned the public that future terrorist attacks are possible if not reasonable to expect. Yet, the Republican leadership in this House insists that Americans can afford to wait 6 months before making the homeland security investments that everyone knows we need right now.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations, has offered an amendment that provides \$6.5 billion for these and other critical homeland security needs not addressed by this bill. But the Republican leadership has refused to allow us to even debate the amendment, much less vote on it.

So, Mr. Speaker, the Republican leadership has given me little choice on this rule. In fact, their actions make my decision very easy. If Members believe that these priorities, bioterrorism, nuclear non-proliferation, ammunition for the Marines on the ground in Afghanistan, are not immediate needs in the war on terrorism, then they should vote for this rule. But they should also be ready to explain to their constituents why our troops in America's homeland security can af-

ford to wait 6 months or more for what they need right now.

Or if Members believe it is our duty to act now to provide resources to defend America at home as well as abroad, then I believe those Members should vote to defeat this rule and force the Republican leadership to allow the House to vote on our amendments, to increase homeland security and national defense.

I urge every Member of this body to vote to defeat this rule so the House might have an opportunity to live up to its responsibilities as an institution and as representatives of the American people.

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

Mrs. MYRICK. Mr. Speaker, as I said before, I am a little surprised to hear my Democratic colleagues sounding like this is a closed rule. This is an open rule and any Member can come down and make any amendment to the bill as long as it complies with the normal rules of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), who has worked very, very hard on securing the funds for New York in this bill.

Mr. REYNOLDS. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time, and I certainly want to pay great respect to her and her leadership on the Committee on Armed Services and on the defense budgets. For years she has led a fight, not only in the Committee on Rules, but throughout the entire Congress to increase important funding.

There will be a lot of rhetoric on this rule today. I am used to that and I am used to being in the minority in New York. I know the loyal opposition never has enough. I know many of us who are defense hawks, there is never enough money for defense. There is never enough money for homeland security. We changed the whole direction of how America thinks.

For those of us who have toured and worked closely with the great State of Israel, we have seen time and again what they have looked at for homeland defense that we took for granted here. Yes, we will continue to have to invest in a rational sense those types of important money.

I think my colleague as she spoke today, the gentlewoman from North Carolina (Mrs. MYRICK) talked about the fact that is pure and simple. A vote against this rule is to vote against and to table money for the war on terrorism, homeland security, and New York recovery. And the part I want to address in the time I have allocated is on New York recovery.

There are 435 Members of the House of Representatives. There are 100 Senators. There is a President. There are 536 different solutions of how we ought to do something. Now, some of my colleagues believe the law in their view says that \$20 billion should be in this

budget right now because it said so. And they want the \$20 billion. They want to put it under their mattress so they can look at it and know that it is there.

There are others of us who have looked at what do we have, what do we need. And as the gentlewoman from North Carolina (Mrs. MYRICK) said, the Mayor has indicated he has the money he needs to do the job as he continues on New York recovery.

When I looked Mr. Daniels in the face as the Director of OMB, he says, Do you know that 600 million has been drawn down on FEMA on the 7 billion set-aside?

So there is enough there over the next couple of months.

The gentleman from New York (Mr. WALSH) was able as an expert in the VA-HUD and the other agencies as a cardinal in this House on the Committee on Appropriations to drive even more money in great flexibility of \$2.5 billion in community-involvement block grants; things that my colleagues in this House who represent the borough of Manhattan can immediately put into application in order to make sure that small businesses and utilities are back up and running as part of the partnership under the Mayor's direction as the city and chief-elected officer of the City of New York.

As we look at the reality of money, most of us realize that \$20 billion will not be enough for New York. Some have cited the New York City partnership and the \$83 billion implication that this has on the attack of 9-11. We certainly know that all of us as New Yorkers need to plow through and make sure that money comes through in a steady flow to make sure that New York City and New York State is on a well, strong move back to a recovery.

How we get it done becomes what has been the debate today, not that it will get done; and so from my colleagues who want the \$20 billion under the mattress, I accept their view. For those of us who will look at it as a credit card, a credit card where we can draw down the \$20 billion, I do not want to take the whole \$20 billion out and put it under my mattress. I want to know that the President of the United States, when he gave this House and he gave New York his word and the Speaker of the House said he would support that, that it will get done because right now New York recovery is getting done. That money is flowing faster than we can use it, and it is up to us as oversight and up to us as a delegation from New York to make sure that money just keeps moving in as fast as we can spend it.

The Mayor of the City of New York says that is the case. I support him on his view. I support this rule because we need to get moving on a defense budget that fights the war on terrorism, increases our homeland security, and brings back cash for New York recovery.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wis-

consin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for the time.

Mr. Speaker, the only delay that this vote has anything to do with is TOM DELAY. That is the only delay. We offered on this side of the aisle last week to take this bill up Tuesday, Wednesday, Thursday, or Friday if they would do one simple thing, remove the gag on this House so that we can fully debate the most important domestic security issue that we have faced in at least 2 decades.

We have been attacked in what is in essence a second Pearl Harbor. The war abroad appears to be going quite well so far. The problem is we are going after the snake and we are trying to kill it, and they are going to try to retaliate; and they are going to try to retaliate at home as well as abroad, and we have huge, huge security risks, some of which are classified and cannot even be mentioned on this floor. But there are many of them that we can talk about today.

All we are asking is to give the President the authority to spend additional money, \$7 billion or so. If he does not want to spend the money, he does not have to; but we are asking that we simply be allowed to make it available so that we can do the following things.

So that we can help the FBI to develop a new computer system so that it is not in the stone age when it comes to investigating terrorism. We can make their new computer system available by next spring rather than the year 2004 without the amendment.

We want to add 800 more Customs agents at the Canadian border. How many people have we heard saying on both sides of the aisle, "Seal the borders." We do not have a sealed border right now. We have a sieve as far as Canada is concerned. We need to correct that.

At our ports, only 2 percent of cargo is inspected. Only 40 ships out of 300 that come into our ports every day are fully inspected. We want to correct that problem by adding more and more inspectors in those ports.

Food supply: Tommy Thompson, Secretary of Health and Social Services, says the thing that worries him most is the fact that we only inspect 1 percent of the foreign food that we import into this country. We want to raise that inspected percentage to 10 percent. Do you really think that is going too far?

Public health: Again Secretary Thompson has said that our public health ability to respond to bioterrorist attack is in "tatters." We are trying to do something about that by adding a billion dollars to increase our capability to defend against all of those agents of terror. That is what we are trying to do.

Most importantly, we are trying to do something about the fact that on 13 separate occasions we have had weapons-grade nuclear material fall into

the wrong hands in Russia itself, and we are trying to provide money in this bill to see to it that that never happens again. Mr. bin Laden wants to get his hands on that material. God knows what will happen if he does.

The essence of the question we face is very simple. Are we going to do something about these threats now because the customs people, the FBI people, they tell us they can use these additional tools now? The question is are we going to give them the tools to use them now or are we going to put a "Wait-Till-Next-Year" sign on efforts to defend this country against terrorism? That is what we are trying to do.

Member after Member on the majority side of the aisle has come up to me and said, "Dave, I know you are right, but I cannot vote with you because our leadership is breaking our arms." I am asking you to please, instead of consulting your whip, consult your conscience. Vote for what you know this country needs. Not a single dime of this money can be spent unless the President in the ends agrees that it ought to be spent and signs an emergency designation saying it is an emergency. Therefore, you cannot have a runaway budget. Vote your conscience. Vote this rule down so we can do something real to defend the security of this country.

Mrs. MYRICK. Mr. Speaker, I remind my colleagues again, this is an open rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

As probably the most junior member of the Committee on Appropriations, I can tell my colleagues that I sat through the debate on this provision that the gentleman from Wisconsin (Mr. OBEY) is talking about; and I want all Members to know that we did have a healthy debate about it, and certainly the gentleman from Wisconsin (Mr. OBEY) makes his argument very, very well and makes his case very, very well; but the amendment that he offered, to add this additional money, was voted down by the committee.

□ 1200

And I think it was voted down because there are some of us on the committee that take great stock in what the President of the United States has told us. The President has told us that he has the resources that he needs to fight this war. He has the resources that he needs to carry out the homeland security that is necessary to secure our borders and to secure our country. And the President has told us that when there are more resources that are needed, he will come forth and ask us for those resources. And I have no doubt that next year, sooner rather than later next year, we will be looking at a supplemental bill to add the resources that the President feels that he needs.

Now, the President is the Commander in Chief. He is the one that is waging the war. And I think all of us are delighted that he has the strong support of the vast majority of the Members of this body, the other body, and certainly of the American people. He has that support because he is doing a good job at the job that he has been elected to do, and that is in part to wage this war. And he has a good team of people helping him, a good team in his Cabinet, and a good team of people surrounding him at the White House. They are doing a good job. And, in part, they are doing a good job because they have made good decisions, put good people in the field, and they have the resources that they need.

Now, the President has also put into place the former Governor of Pennsylvania to really secure our borders, to really look at homeland security. And at this point what they are saying is the bill we passed earlier on, which was for \$40 billion, \$20 billion for New York and \$20 billion for the President to wage this war, and the bill we passed for \$15 billion to help the airlines get out of the economic doldrums they are in, those bills contain an enormous amount of money.

The idea there is not enough money simply did not fly in the committee. The arguments that were made by the gentleman from Wisconsin did not have standing to the point that they were able to pass the committee. Even though he made good arguments, the committee decided otherwise. And I think they decided otherwise because they put great stock in the President of the United States, the Commander in Chief.

Certainly when the minority party had their person in the White House as the Commander in Chief, they went along with many of the provisions and legislation and ideas that he had about areas that we went into, like Bosnia, like other areas of the world where we had to go in and rout out terrorists. During those debates we did support the Commander in Chief. And I think that is the point we want to make here today: The President of the United States is doing a good job, he is the Commander in Chief, and nobody knows more.

I am on the Permanent Select Committee on Intelligence; I have been on that committee for 2½ years, and we know an awful lot about terrorists and we know an awful lot about what people want to do in the United States. Nobody knows more about it than the Commander in Chief, than the President of the United States, and we have to give him his due on this.

I think when the President needs the money, when his administration needs the funds, when they need the resources, they are going to come to the Congress. Are we going to step up? Of course we are, just like we stepped up with the \$40 billion, \$20 billion for New York and \$20 billion for the Defense Department. We stepped up when it came to the airline industry.

Look, Congress will respond, but we need to be responsible about these things. And I think the House should realize that this is a good rule. This is a rule that sets the right tone for the kind of defense spending. Now, the chairman of the subcommittee and the ranking member have done a good job on this bill. They have done a good job, they have worked hard and tried to incorporate the kind of resources that are necessary.

Let me just say this. This subcommittee has done a good job, they really have, and everyone in the House knows this. I guarantee that if this rule passes, this bill is going to pass overwhelmingly because it is a good bill for the defense of our country, it is a good bill for the people that are waging the war, it is a good bill that Congress will be very proud of in passing. We do need to pass it to send a signal that the Congress is really behind having a strong defense.

So I urge Members to vote for the rule. This is a good bill, it has been worked on very hard, very long by the chairman and ranking member, and it really sends a message to the Commander in Chief, to his team of people and those people that are waging the war, not only in this country but also offshore, that we are providing the resources at this time that are necessary to do what we have to do.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise today to voice my strong opposition to this ridiculous so-called open rule. The refusal of the Committee on Rules to allow consideration of the Obey amendment, the New York delegation amendment, and either of two amendments that I offered is an affront to democracy and an insult to the people of this great Nation.

My colleagues on the other side of the aisle can offer no logical excuse for denying this body the right to debate provisions for the strengthening of our national security, the rebuilding of Ground Zero in lower Manhattan, and disaster relief to American businesses and workers. In fact, their only excuse for denying the American people increased funding for border patrol, airport and airline security upgrades, cargo inspectors at our ports, mail screening and processing machinery, food and water safety, and a host of other security measures has been that these pressing problems can wait until the spring. That is what I was told last night after the Committee on Rules said no to saving American businesses.

I offered an amendment that would have provided the Small Business Administration with the necessary financial resources to administer all emergency disaster relief loans that have been applied for since September 11. I

need my colleagues to realize that if Congress does not help American businesses today, then these businesses will not be around next spring to be helped.

So I ask my friends on the other side of the aisle: Do any of you have a problem with saying yes to more than \$4 billion in new spending on national missile defense, while at the same time saying no to displaced workers, American businesses, and homeland security? I certainly do.

While the American people wait for spring, only seven-tenths, or 1 percent, of our imported food is inspected; only 2 percent of the cargo containers that enter American ports are viewed by Customs inspectors; our airlines remain vulnerable to hijackers; and the people in businesses of America wait vainly for Federal assistance. Perhaps the other side is blind to the more than 500,000 layoffs and thousands of business closures.

I emphatically urge my colleagues to vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

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

Mr. THOMAS. Having been around here when my party was in the minority, I tend to scrutinize rules very carefully, because when we were in the minority, the minority had no automatic privilege under the rules to provide motions to recommit with or without instructions. That is now in the rules; something that was never available when we were in the minority.

So I assumed this was some kind of a closed rule, which normally gets the blood pressure up because you have to swallow hard and take what has been given to you. And then I found out this was an open rule. So, then, the reason why people are voting against an open rule is because certain amendments were not made in order. And when we examine what the amendments requested to be made in order were, there were people on the Committee on Rules and others which wanted to move defense money from one area to the other, notwithstanding the fact that people charged with that responsibility have spent months negotiating the package.

Then I discovered that someone said that New Jersey, for example, our colleague from New Jersey, put out a "Dear Colleague" saying protect unemployment, job training, and health benefits for New Jerseyans, vote "no" on the rule; which is kind of an interesting argument. So I examined what he said New Jersey was not going to get. For example, it said New Jersey is not going to get \$52 million.

I would remind my friends on this side of the aisle that we just recently passed an economic stimulus bill. And had my colleagues voted for it, they would have been voting for \$368 million for New Jersey for unemployment and

health care. Had my colleagues voted for that bill, they would have provided New York with \$766 million for unemployment and health care. And, for example, Pennsylvania would have been \$531 million, and so on, because there was more than \$12 billion in that pot which is being distributed.

So if my colleagues are worried about voting no on a rule because New Jersey is not getting \$52 million, why in the world did my colleagues vote “no” on a bill which would have provided \$368 million to New Jersey? I fail to understand the desire to stick New Jersey in the eye on the one hand but then scream vote “no” on the rule to protect some kind of money that maybe was supposed to have been there.

By the way, we are not through helping New York. The victims’ bill that we passed on the Thursday, that has been over in the Senate all these weeks, is now back. We are attaching to that bill the New York delegation’s desires on tax adjustments to enhance New York. For example, in the bill that most of my colleagues did not vote for, an opportunity was created for leaseholders to build out, in a new structure for a restaurant or a dry cleaners, a 15-year period, reduced from a third of a century. What we have said in the recovery zone of Manhattan is that that 15 years is reduced to 5.

Those kinds of real incentives to rebuild in the recovery zone will be part of the victims’ bill, which, after all, was a response to what happened on September 11. So to argue that Members should vote “no” on this rule to deny New Jersey something is really a pretty bizarre argument.

Vote “yes” on this rule. And by the way, vote “yes” on the stimulus package when it comes back from conference.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time. This is a bad rule, specifically in the area of homeland security, because it forces us to provide homeland security on the cheap.

What they do in this rule is block the Obey amendment. That means they block an additional \$150 million for local firefighters. It is not just about what the President says, it is what local governments need. They need firefighter money, they need money for local police. They are paying for overtime, lengthened hours, special security details, protecting facilities, and they need additional resources.

We also need more money for our port security and we need money to protect our Strategic Petroleum Reserve. That is blocked in this rule.

We can have a better rule. We can have real homeland security. Oppose the rule. It is a bad rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding me this time,

and I rise today in support of the Department of Defense Appropriations Act, and commend the chairman and the ranking member for crafting a very fair rule.

Mr. Speaker, at this very moment, American troops are on the battlefields risking their lives to defend our freedom and our very way of life. And while they are fighting to defend everything that we hold dear, we gather in this hallowed Chamber and quarrel over the details of a very small portion of this bill, the \$20 billion supplemental, which, in contrast to the core of this legislation, is quite small.

So I rise today to support the core of the legislation, Mr. Speaker, \$317 billion at the core of the Department of Defense Appropriations Act today, which is well crafted and which will provide the resources for personnel, operations, maintenance, research into the types of weapons systems that are making our troops safe at this very hour, and, most importantly, funding the counterterrorism efforts.

American troops are engaged in a long war. This bill will ensure their safety and preparedness now and for years to come. I urge my colleagues to set aside regional and parochial arguments and interests for a day. Help us strengthen the American military. Pass this bill and support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURU).

Ms. DELAURU. Mr. Speaker, I rise in opposition to this rule. The Republican majority is blocking consideration of a series of amendments that would provide for increased domestic security at our ports, at our nuclear plants, for our public health system, for increased capacity with the FBI, the lead agency to hunt down terrorists.

We could be taking steps to reduce the likelihood, better prepare for the possibility of a bioterrorist attack, and we could have made good on our word to help New York recover from the worst attack on American soil in this Nation’s history. It is not just enough to go and take photographs at Ground Zero, promise people money that you are going to help individuals and businesses, and then pull the rug out from under them.

The amendments would help to secure the safety of our food supply, increasing inspections of imported food from today’s level of less than 1 percent to 10 percent of all the food imports that enter into our country.

We could have helped the Centers for Disease Control to provide scientists with the kinds of help they need to protect Americans from infectious diseases, and that they do not have to work in laboratories with rotting floors and roofs.

We could do something to protect our domestic defense and security today. Let us oppose this rule.

□ 1215

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, today we are engaged in a debate, as we are every year. Several years ago we were engaged in this same debate when Republicans stood up and talked about securing our borders, taking care of this country, making sure that Americans were safe. We are doing that again today.

Today our colleagues across the aisle are trying to outbid us on how much money can we spend now that the September 11 tragedy has occurred. In 1999 we had this same debate, and each of my colleagues that has spoken here today on the other side from Wisconsin, Florida, and Texas wanted to make sure that as we stood up to try to defend this country, as we were defending the FBI, the Border Patrol and our National Instant Check System which would catch these people, it is each one of these, my colleagues, who voted to take money out of those funds.

Mr. Speaker, yes, it is true. They wanted to eliminate cutting \$20 million from the FBI for the National Instant Check System; cutting \$44 million from the Border Patrol; cut \$32 million from the Federal prison system; cut \$24 million from the judicial branch of government that pays our judges.

This is what happened just 2 years ago. They were standing up gutting every single bit of the funding that we could do for what is now known as homeland security. Now today we cannot add enough money in.

After being in Washington 5 years, I will say I have learned that virtually every single vote is about more spending and more money, or less spending and less money. Today what this is about is wise and prudent spending of the taxpayers’ resources, working with the administration, that has made sure what they are asking for they can adequately spend and take care of the needs of this country.

This should not be a bidding war. This should not be a war where we fight each other. It should be about providing the money that this President, this administration has asked for, to make sure that DOD has what they need. This is a fair rule. It is a rule that provides money for resources and allocations for people where they know it will be effectively spent.

Adding tens of millions of dollars, trying to get into a bidding war at this time after each one of these colleagues of mine has just tried to take money away in the previous years, I think is something that we should take a look at and wonder why.

What this administration is trying to do, what this bill is trying to do is the right thing. I support the rule. I am going to make sure that they get this money, and I hope that each of my colleagues will do the same.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER) in whose district the attack on the World Trade Center occurred.

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

Mr. NADLER. Mr. Speaker, on September 18 the President signed a supplemental appropriations bill that provides, quote, "that not less than one-half of \$40 billion should be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania."

The bill before us today waffles on this solemn pledge and amends the law to cut almost in half the \$20 billion previously appropriated. To add insult to injury, the pending rule will not allow the bipartisan amendment to restore the \$10 billion cuts to redeem the \$20 billion pledge by the Congress and the President even to be debated on the floor of the House.

Congressional leaders and the President have repeatedly stressed their intentions to provide more than the promised \$20 billion aid to New York, just not now. The funds will come eventually. Be patient. Trust us, they say. But the funds are desperately needed now, not in 6 months or a year.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and medical insurance now, not next year. Small business owners are making decisions now whether to try to keep going or to shut the business. Large businesses must decide whether to return to downtown eventually or to seek permanent quarters elsewhere now. And residents are debating whether or not to return to Lower Manhattan.

They need to know whether there is a commitment on which they can depend to rebuild Lower Manhattan. How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's future on such a commitment from such people?

Mr. Speaker, the honor of this House is at stake today. We must vote down this rule so the Members may vote on whether to break our word and waffle on our solemn pledge to the immediate victims of the attack on the Nation, or whether to redeem the honor of the House. Let the House not dishonor itself without the Members at least being permitted to vote on it.

In his inaugural address, the President said under his administration we would not cross to the other side of the road when we passed the injured traveler on the road to Jericho. Today under this rule, not only have we paused to cross to the other side, but, indeed, we are telling many of those injured travelers, drop dead.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this rule. It is

absolutely outrageous that the Committee on Rules, at the direction of the House leadership and the administration, is preventing this body from voting on an amendment that provides already-promised assistance to New York City.

No one denies that New York bore the brunt of the assault of our Nation on September 11. And although the terrible loss of lives was contained to that single day, for millions of New Yorkers the struggle continues. Families and friends continue to search for the remains of loved ones, small businesses teeter on the brink of bankruptcy. Unemployed workers wait in line for aid, all while the wreckage of the World Trade Center still burns. New Yorkers are hurting; yet the administration and this leadership are about to renege on their promise to help the residents of my city.

If this rule passes, New Yorkers will continue to go without help. I am tired hearing that the Mayor of the City of New York said that \$9.6 billion is enough; but Members forget to mention the other side, that he also instructed all city agencies to cut 50 percent of their budget for New York City because of the financial constraints. This is morally wrong, and I urge my colleagues to vote down this rule.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), who has done all this hard work on this bill.

Mr. WALSH. Mr. Speaker, indeed, I have not done all of the hard work on this bill. There has been a lot of work done by many, including the chairman of the subcommittee, the gentleman from California (Mr. LEWIS), who has been so patient with us as we attached the supplemental to this bill. I rise in strong support of the rule and the bill, and I urge my colleagues to support the rule and the bill.

There has been a good deal of debate about this, but not much about the substance of the DOD appropriation. It is a good bill and it needs to be supported. The supplemental has drawn most of the attention. As all of us know, the President issued a veto threat that if we added more to the bill than the \$40 billion, he would veto it. That changed all of the rules when that occurred. The President did say that New York should get half of this money, and I believe we will receive \$20 billion plus. Most agree that \$20 billion is a floor, not a ceiling.

When we negotiated with the White House, there were very few options we had. We had to operate within the existing structure of the bill. What we did was allocated \$1.5 billion national emergency grants to the Community Development Block Grant Program. Community development block grant funds are the most flexible funds the Federal Government has. They are the most important funds that we have, the best tools that we have to rebuild the City of New York. CDBG can be used for infrastructure, public utilities,

help hospitals, it can be used to help insect businesses to stay there, help residents to stay there, improve the quality of life in that neighborhood. It is the best money we can put in at this point. That is why we settled for that amount.

Is it all we wanted? No, it is not. My belief is that the President will keep his commitment and the rest of those funds will flow. I remind my colleagues that 75 percent of the bill here for New York City is FEMA. Many of us go back 10, 15, even 20 years here. Not once has the Federal Government ever withdrawn its commitment to fully fund the FEMA program.

Mr. Speaker, this bill is a good bill. This is a good rule. New York will benefit from it. I urge my colleagues to support the rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the issue is one promise on top of another promise. The promise that New York will get half of the dollars has been broken already. That is a fact. We are not here to create a problem, but that is a fact. Now we are being told wait until next spring.

Next spring we are being told that we will move dollars from other parts of the budget to accommodate New York. That means that next March, April or May we are going to take money out of the agriculture budget, out of the Department of Defense, the State Department, the Department of Justice, the INS to move over to New York? If that is the situation New York finds itself in next spring, I can assure my colleagues, in that scenario we lose that fight. We cannot win a fight where we have to bid with other parts of the Nation for help.

America was hit. New York was the scene of that hit. The President came forward, the Congress, the Speaker, the leadership, and said we will take care of New York. It is sad that we are here opposing this rule because it will not allow an amendment that simply says to enforce the law that is already on the books.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind my colleagues that both the current Mayor of New York and the new Mayor of New York have stated that they have plenty of money right now and they do not need extra above and beyond what we are currently providing them in these bills.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), who has worked tirelessly to bring this bill to the floor today.

Mr. LEWIS of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I did not intend to speak on the rule, but as I listened to the discussion, I thought it was important to point out that the base bill, the

Defense Appropriations bill, that will be considered today involves some \$317 billion for national security. It is designed in a fashion to meet our highest priority needs ranging from money for basic research projects that affect national security, all of the way to paying for increased pay and the health care needs of our men and women who serve in the various Armed Forces.

The bill, above and beyond that, contains the supplemental; and in total, \$40 billion supplemental, as the money has been distributed, I am pleased to say very much effectively supplements the work we have been about. There is slightly in excess of \$20 billion from the original \$40 billion package that flows to a variety of important defense needs, and because of that I am pleased with this rule.

Mr. Speaker, I urge my colleagues to recognize that we do not solve problems, defense problems or otherwise, by simply throwing money at those difficulties, but rather, measuring very carefully the challenges themselves and then attempting to figure out what ways we can best apply dollars to solve those difficulties.

□ 1230

This rule is a good rule. It allows us the kind of flexibility we need for the near term. Indeed, as we go into the next year, if we find challenges both in terms of national security or meeting the needs of New York and New Jersey, we will respond to those needs by way of additional supplementals.

Because of that reality, I urge my colleagues to support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Texas for yielding time.

Mr. Speaker, I appreciate the good gentlewoman for placing into the record the fact that the Mayor of the city of New York and the Governor said we do not need the money right now. Maybe the gentlewoman can explain to us why it is, then, that the city of New York is cutting by 15 percent across the board, programs throughout New York City. It is an austerity budget. I do not have an answer for that, but maybe the gentlewoman does.

The fact is we do not want to vote against this rule. We do not want to vote against the bill. But a promise that was made has been broken. We are not getting the full \$20 billion funding to New York City that was promised early on. We know there are a lot of great things in this bill for our Nation. We know that our Nation is at war. We want to support and we will be supportive of our men and women overseas in the armed service. But the simple fact of the matter is that a promise was made to the city of New York and the State of New York and that promise is being broken right now.

While our men and women are fighting in Central Asia to protect our qual-

ity of life and the sanctity of our country, they do so with the heavy memories of the martyrs of September 11. It is with a heavy heart that I ask my colleagues to oppose this rule, not to disrespect our Armed Forces, as has been said or at least been alluded to here today, but to respect the memory of those who lost their lives on September 11. We need to do the right thing by New York, New York State and New York City, who took the brunt of this hit on America. Why do we have to continue to bleed 15 percent across the board?

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, the World Trade Center is still burning, and this administration is wavering in its support for New York.

New York has enormous unmet needs and unpaid bills. Whoever says we do not need the money, just look at some of the invoices that are long overdue that I have brought to the floor today. Like money for hospitals that canceled elective surgery so they could aid the victims. Like costs to utilities to rewire lower Manhattan. Like reimbursements to transport children to temporary schools.

Right after the attacks, the administration said that they would do "whatever it takes" to help New York. But now, with full support of the administration, the House leadership is doing "whatever it takes" to deny New York the money and the aid that it was promised. Out of the \$40 billion that was allocated, only \$11 billion is allocated for New York, when \$20 billion was promised.

Vote against this rule on the New York amendment alone that was denied, so we can come back with the New York amendment included.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. Last night, a bipartisan group of New Yorkers asked the Committee on Rules to make in order our amendment to allocate \$10.4 billion in contingency emergency spending for New York's recovery.

Mr. Speaker, in the hours after the World Trade Center attack, President Bush made a commitment that New York would receive \$10 billion plus \$10 billion, \$20 billion, to recover and rebuild. And Congress made that commitment law, \$20 billion. But the gentleman from New York (Mr. SWEENEY) and I and our entire delegation have spent the last 2 months trying to ensure that law is complied with, and we are still fighting today.

Mr. Speaker, an agreement is an agreement is an agreement. The law

says that New York, Virginia, and Pennsylvania are entitled to "not less than half" of the \$40 billion supplemental; 422 Members of this body supported that supplemental. No Member voted against it. Eleven weeks later, we are still having the debate. We are still fighting. It does not make any sense.

Eleven weeks after the worst disaster in the history of our country, the crisis in New York has not ended. Thousands are facing the holidays without a spouse, a child, or a parent. Thousands are out of work. Small businesses remain shuttered. Thousands of residents are still unable to return to their homes. Work at Ground Zero goes on 24 hours a day, 7 days a week. Fires are still burning underground. Memorial services at the site continue. Families are coming to terms with the knowledge that there will never be anything of their loved ones recovered. New York will never be the same.

We put together an amendment that would commit the billions needed to continue the enormous recovery and rebuilding effort. We designed it as contingency emergency spending which would allow the President to determine when the funds are needed and declare an emergency, at which point the money would become available. We believe that this is the most appropriate way to respect the need to manage Federal spending while assuring the Americans who took the blow for our country on September 11 that Congress is committed to their recovery.

We ask for consideration of this amendment. Let us have a full debate on the issue. A promise is a promise. When the President of the United States makes a promise, we appreciate it and expect that promise will be met.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me. I have listened to the New Yorkers who have argued to defeat the rule so they can have consideration of an amendment to help New York. I think we ought to defeat the rule as well so that we can help the post office.

It is terrific that the House is now going to get its mail. We are spending the money to make the mail safe and to protect all of our staff who open the mail. But what about everybody else in the country? Will their mail be safe? If we defeat this rule, we can pass an amendment that will provide funding to make the mail safe for everyone.

But the Republicans say we do not have the money. It is funny, but the Republicans have found \$1.4 billion to give to IBM, \$1 billion to give to Ford, \$600 million to the Texas utility companies, and over \$500 million for Chevron and Texaco in the outrageous give-away bill that passed 2 weeks ago. But somehow we cannot find \$500 million for the Postal Service to make the mail safe for everyone.

None of this makes sense, but if we defeat the rule and pass the Obey amendment, we can begin to restore sanity to our priorities.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I do believe that the three amendments were germane to this argument. It really galls me to see some from the other side, to be perfectly frank, question the patriotism of my party which I proudly represent. We all want the same thing. We want to defend the Nation. We want to be strong abroad. We want to be strong at home.

This Nation flew, was part of 38,000 air sorties against Kosovo when we helped regain the freedom of those people. We were ready. We are ready now. I do not believe it is nitpicking if the gentleman from Pennsylvania wants to ensure the defense of this Nation. I do not think it is nitpicking that the firefighters, the first defenders of this Nation, need help and need resources. I do not think it is nitpicking. You go out and talk to the emergency responders throughout this Nation, Mr. Speaker, and you will have the same response. They need the resources. I believe that these amendments were germane. It is a terrible shame that they are not going to be debated on this floor.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I feel that this so-called open rule is anything but. It is a sham. If it were truly open, it would allow us to debate an issue that is important for New Yorkers and Virginians and Pennsylvanians. We have a law that requires not less than \$20 billion to be provided for those States as a result of the attack on September 11. This bill, in effect, negates that law. It takes that money away from the people who need it. This is especially true of the people in New York City which has been so devastated as a result of the attack on the 11th of September.

Already, unemployment is up, businesses have been lost, health insurance has been lost. People are being denied the help and assistance that they need. There is a substantial amount of human suffering and a direct negative impact on the economy of the city. This money is drastically needed to cover those expenses. This rule makes it impossible for us to debate that amendment. Therefore, the rule ought to be defeated.

Mrs. MYRICK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, the attempt to help New York recover speedily moves beyond boundaries, State boundaries or city boundaries. When the terrorists struck on September 11, they struck at the heart of the Nation, the nerve center of the Nation, the communications nerve center, the financial nerve center, the morale nerve center. The domino effect throughout the Nation is obvious. So we are not talking about New York. We are talking about speedy recovery for the whole Nation.

In all due respect to the Mayor and the Governor of the State, I think the institutional history of this body is far wiser. In the past decade we have handled several emergencies. The California earthquake was the example we ought to follow. This body quickly committed \$6 billion and later an additional \$2 billion. California's whole economy was in the tank at the time, but the effort to repair and recover from the earthquake made the whole economy recover. That kind of rapid commitment and rapid implementation expenditure is what we need here now. Speed is very important. Every dollar's value is increased. If we speed the commitment of it and expenditure of it to recover in New York, we recover in the entire Nation.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this rule which fails to make the Obey homeland security amendment in order. Just listen to the words of Health and Human Services Secretary Tommy Thompson who said, "Am I satisfied with the food inspection we are doing? No, I am more fearful about this than anything else."

The Obey amendment would provide the agency 10 percent of the resources that it needs to meet the food inspection requirements of this country. Right now we inspect less than 1 percent of what comes over our border. Our Nation's food safety needs are real and compelling, and the risks from imported food products are real and compelling. We must do the right thing to protect our food supply and to help ensure food safety for all of our people. This rule denies us the opportunity to vote on the Obey substitute. I urge a "no" vote on the rule.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I guess George Orwell has taken up residence on the other side of the aisle, the famous author who defined words by changing their meaning. Black was white, day was night, open is closed, closed is open.

They keep saying they have an open rule. Their open rule prohibits the gentleman from Wisconsin, the ranking member of the committee, from offer-

ing an amendment to increase the amount for homeland security. Their open rule prohibits the gentleman from Pennsylvania (Mr. MURTHA) from offering an amendment to increase the amount of spending for defense. Their open rule prohibits a bipartisan group of New Yorkers from offering an amendment to honor the President's original commitment of amount of money for New York.

Open is closed, closed is open. The world stands on its head. This rule is a sham. They know it. We know it. The American people know it. Everyone supports the money for national defense. All we are asking for is the opportunity to provide additional resources right now for homeland security, additional resources right now for New York. I urge a "no" vote on the rule.

□ 1245

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind my colleagues again that this is not a so-called open rule, it really is an open rule. I know some people are upset because they did not get the special exceptions that they wanted, but, quite frankly, it is an open rule, and we can debate this on the floor. It is very critical that this money come forward for our homeland defense, for our men and women in Afghanistan, and also for the City of New York.

Mr. Speaker, I urge my colleagues to vote for this rule.

Ms. KILPATRICK. Mr. Speaker, all of you know that I represent Detroit, Michigan. The Detroit Port of Entry at the Ambassador Bridge, Windsor Tunnel and Blue Water Bridge handles 40 percent of the trade between U.S. and Canada. More than \$1 billion in trade crosses the U.S.-Canada border every day. The auto industry makes up one third of that trade. The auto industry operates under "Just in Time" inventory systems, and the quick, efficient processing and clearance of auto parts is essential to the industry's survival.

Detroit border crossings accommodate over 61 percent of all cross-border truck traffic along the U.S.-Canada border. It is the largest border truck crossing area in the nation. Long lines and 15-hour traffic backups are not unusual. In the days following the September 11th assault, the border—for all practical purposes—was shut down.

The U.S.-Canada border embodies 40 percent of the total U.S. ports of entry, has only 14 percent of U.S. Customs primary inspectors who perform 33 percent of the U.S. Customs national workload. The number of Customs inspectors along the U.S.-Canada border is less than 900. That number has been relatively constant since the Reagan Administration, although the cross border commercial transactions have increased 600 percent. We need to address the imbalance.

Since September 11, our border enforcement personnel have been on Level One security alert. Customs and INS inspection personnel along the northern border have historically suffered from inadequate funding. These problems have dramatically intensified in the aftermath of the attack.

The Treasury, Postal Service and the Commerce, Justice, State Appropriations bill provides increases for Customs and INS inspection personnel. Customs received a \$28 million increase to provide for an additional 285 inspectors along the northern border. INS was increased \$25 million to provide 348 additional positions to address understaffing problems at northern border ports of entry. The Ambassador Bridge and Detroit-Windsor Tunnel currently operate with only 23 INS inspectors. According to a study provided to the Senate, these ports of entry need 151 inspectors. By the way, that study was released in December 2000. It is outdated given the tragic events that occurred in September.

These increases in Customs and INS inspectors were based on assessments conducted well before the terrorist attack. These increases in Customs and INS personnel are based on a peace time assessment, not one based on the heightened state of security under which our government is operating.

We have been trying to get official estimates of the Customs and INS inspection personnel needs but without success. But we do know one thing: Detroit ports of entry will be unable to receive the resources necessary to process goods, people and traffic in an efficient manner that ensures the continued vitality of U.S.-Canada commercial relations in a state of higher security.

The State of Michigan is supporting the work of Customs inspectors and INS inspectors assigned to the ports of entry. The State of Michigan has assigned anywhere from 30 to 45 National Guard personnel a day to assist Customs in conducting commercial inspections at the Detroit ports of entry. Twenty-four National Guard personnel assist INS agents in processing travelers coming across these border points. I should point out that we have National Guard personnel assisting Customs and INS staff at Port Huron and the Soo Locks. Certainly the need for more Customs and INS personnel is real, immediate and over and above the number appropriated for in the regular fiscal year 2002 appropriations process. We have a chance to correct this shortfall, but we are being denied that opportunity.

This denies the opportunity for Mr. OBEY to offer an amendment that addresses these security needs of a nation that is vulnerable to domestic and foreign-source terrorist threats. The Rules Committee will allow one individual to raise a point of order against amendments we plan to offer to plus-up spending for defense and homeland security needs. For instance, the Obey amendment proposes to add \$140 million for 790 additional Customs inspectors along the northern border. This is a minimum proposal that certainly recognizes the long-ignored border resources needs of Detroit. To those among us who have signed or written letters of support for more help along our borders, you should support efforts to have the Obey proposal receive the full and fair consideration of the House. If you have a water port, the security of that port is important to sustaining the economic viability of your community. If that is the case, you should support a rule that protects these amendments from parliamentary tactics. The Obey proposal would increase the Coast Guard by 640 positions for port security operations, provide money to conduct port security assessments and enhancements and 840 additional Customs agents for cargo inspection.

Recently, I received a petition from a number of INS inspectors working at one of the Detroit land border ports. The petition they sent to my attention contained a number of grievances they wished to call to my attention. Their complaints centered on the fact that their resources were already stretched thin before September 11, but they have worsened since then. Here are some of the problems they called to my attention: In the last three years INS manpower has been halved while the amount of vehicles that require processing has tripled; inspectors are expected to work a six-day week, plus additional overtime; the average inspector works 56 to 64 hours per week. They go on with other complaints concerning other working conditions, but these employees need some relief from the pace of work they are experiencing.

When I go home to my constituents, I would like to be able to tell them that Congress did something to improve the security at the ports of entry that serve the Greater Detroit Area. The only way that can happen is if we vote down this rule, so we can have an opportunity to vote for the resources necessary to improve the homeland security of this country.

Mr. ENGEL. Mr. Speaker, I am disappointed today that we as a Congress are not debating any amendments relating to rebuilding New York. After the September 11th attacks, the NY delegation met with the President to discuss the city's needs for rebuilding. He promised then and there that our needs would be taken care of. Yet he's not living up to his promise. And we're letting him get away with it.

At yesterday's press briefing, a reporter asked Ari Fleischer why the Administration was opposing any add-ons to the anti-terrorism bill. Fleischer's response was: Well, the Congress has entered into an agreement with the President, many weeks after September 11th, when people already understood the need to beef up on the domestic front, the need to provide more resources. And an agreement is an agreement is an agreement.

Doesn't that statement apply to the agreement the President made regarding New York? Isn't an agreement an agreement an agreement?

We must provide the funds New York needs to rebuild. We must remember this was not an attack on New York it was an attack on America. And we as Americans must help the City recover their costs directly related to the World Trade Center attacks.

This rule does not allow an amendment to guarantee that New York receives at least the 20 billion that the President promised us, that the Congress voted for, and that the President signed into law. Therefore, I will vote against the rule and ask my colleagues to do the same.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to this rule and urge my colleagues to join me in defeating it. I object to this rule because the implications of its unfairness go beyond the petty political games of life in Washington. This rule actually threatens the national security of the United States. At a time when our country faces such serious challenges to our security and way of life, it is unconscionable that this body would attempt to pass a rule that squelches debate and prevents the Congress from appropriating money that is so desperately needed to ensure our safety.

But the debate today is about more than simply a rule for considering the defense appropriations bill; it is about addressing urgent needs that have been neglected for far too long. America is facing the most serious threat of the last sixty years, a threat so great the world has united in response to the tragedies of September 11. The President of the United States has called upon all Americans to live as if we are in a state of war, and he has asked for—and received—unprecedented authorities to combat terrorism. In this atmosphere, the country expects the Congress to do its duty and contribute its share to the effort.

Across the country, from Maine to California, Americans are losing their jobs, hotels remain half-empty, airliners fly with empty seats, shop-owners wait in vain for additional customers, and children of laid-off workers face the prospect of a bleak Christmas. Just this week, the National Bureau of Economic Research officially announced that the longest peace time economic expansion in American history had ended and that we are now in recession. But we did not need an official announcement to know we face real problems.

These are serious problems we face. Terrorism. Recession. Unemployment. It is our job as the Congress to do what we can to help our constituents through these times. Our constituents need us to act in their interests. Our constituents need us to secure our nation. Our constituents need us to rebuild the damage done by terrorists. Our constituents need us to stimulate the economy. This rule fails all of these tests.

Why does this rule not allow for the urgent funding needed to prepare our defenses against the threat posed by biological weapons? Why does this rule not allow for the urgent funding needed to pursue justice in Afghanistan? Why does this rule not allow for the funds to hire additional air marshals and airport safety equipment? Why does this rule not allow for the funds needed to secure our postal system?

What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we know about? What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we don't know about? What will we say at town hall meetings in the upcoming weeks when asked if America is safer today than it was on September 10?

These are serious times in which we live, and we must act deliberately and swiftly to protect our constituents and the nation. We must do our duty under the Constitution—a duty to which we swore in this very chamber eleven months ago—by responding as best we can to the threats we face, both at home and abroad. The Constitution tells us that we must "provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." I believe in these words, yet I do not believe that today this body is acting faithfully to fulfill them.

Defeat this rule. Vote for a substitute that will allow for a full debate and the inclusion of funding to guard our nation against biological weapons, to hire new border patrol agents and law enforcement officers, and to purchase new airport security equipment. Do not allow the Congress to be distracted from the issues before us from doing what we all know is right.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 211, answered “present” 1, not voting 5, as follows:

[Roll No. 454]

YEAS—216

Aderholt	Goode	Paul	NAYS—211	Hastings (FL)	Nadler
Akin	Goodlatte	Pence		Hefley	Napolitano
Armey	Goss	Peterson (PA)		Allen	Neal
Bachus	Graham	Petri		Andrews	Oberstar
Baker	Granger	Pickering		Baca	Hinchey
Ballenger	Graves	Pitts		Baird	Hinojosa
Barr	Green (WI)	Platts		Baldacci	Hoefel
Bartlett	Greenwood	Pombo		Baldwin	Holden
Barton	Grucci	Portman		Barcina	Holt
Bass	Gutknecht	Pryce (OH)		Barrett	Honda
Bereuter	Hansen	Putnam		Becerra	Hooley
Biggert	Hart	Radanovich		Bentsen	Hoyer
Bilirakis	Hastert	Ramstad		Berkley	Inslee
Blunt	Hastings (WA)	Regula		Berman	Israel
Boehlert	Hayes	Rehberg		Berry	Jackson (IL)
Boehner	Hayworth	Reynolds		Bishop	Jackson-Lee
Bonilla	Herger	Riley		Blagojevich	(TX)
Bono	Hilleary	Rogers (KY)		Blumenauer	Jefferson
Brady (TX)	Hobson	Rogers (MI)		Bonior	John
Brown (SC)	Hoekstra	Rohrabacher		Borski	Johnson, E. B.
Bryant	Horn	Ros-Lehtinen		Boswell	Jones (OH)
Burr	Hostettler	Roukema		Boucher	Kanjorski
Burton	Houghton	Royce		Boyd	Kaptur
Buyer	Hulshof	Ryan (WI)		Brady (PA)	Kelly
Callahan	Hunter	Ryun (KS)		Brown (FL)	Kennedy (RI)
Calvert	Hyde	Saxton		Brown (OH)	Kildee
Camp	Isakson	Schaffer		Capps	Kilpatrick
Cannon	Issa	Schrock		Capuano	Kind (WI)
Cantor	Jenkins	Sensenbrenner		Cardin	Kleczka
Capito	Johnson (CT)	Sessions		Carson (OK)	Kucinich
Castle	Johnson (IL)	Shadegg		Clay	LaFale
Chabot	Johnson, Sam	Shaw		Clayton	Lampson
Chambliss	Jones (NC)	Shays		Clement	Langevin
Coble	Keller	Sherwood		Clyburn	Lantos
Collins	Kennedy (MN)	Shimkus		Condit	Larsen (WA)
Combest	Kerns	Shuster		Conyers	Larson (CT)
Cooksey	King (NY)	Simmons		Costello	Lee
Cox	Kingston	Simpson		Coyne	Levin
Crane	Kirk	Skeen		Cramer	Lewis (GA)
Crenshaw	Knollenberg	Smith (MI)		Delahunt	Lipinski
Cubin	Kolbe	Smith (NJ)		DeGraffenreid	Lofgren
Culberson	LaHood	Smith (TX)		DeLauro	Larsen (WA)
Cunningham	Largent	Souder		Deutch	Lowey
Davis, Jo Ann	Latham	Saxton		Davis (CA)	Lucas (KY)
Davis, Tom	LaTourette	Stearns		Davis (FL)	Luther
Deal	Leach	Stump		Dick	Maloney (CT)
DeLay	Lewis (CA)	Sununu		Dingell	Maloney (NY)
DeMint	Lewis (KY)	Tancredo		Doggett	Markay
Diaz-Balart	Linder	Tauzin		Dicks	Markwayne Mullin
Doolittle	LoBiondo	Taylor (NC)		Eshoo	McAuliffe
Dreier	Lucas (OK)	Terry		Etheridge	McClintock
Duncan	Manzullo	Thomas		Farr	McCurdy
Dunn	McCrary	Thornberry		Fattah	McCurdy
Ehlers	McHugh	Tiaht		Fitzgerald	McCurdy
Ehrlich	McInnis	Tiberi		Frank	McCurdy
Emerson	McKeon	Toomey		Frost	McCurdy
English	Mica	Traficant		Gephardt	McCurdy
Everett	Miller, Dan	Upton		Gonzalez	McCurdy
Ferguson	Miller, Gary	Vitter		Gordon	McCurdy
Flake	Miller, Jeff	Walder		Green (TX)	McCurdy
Fletcher	Moran (KS)	Walsh		Gutierrez	McCurdy
Foley	Morella	Wamp		Hall (OH)	McCurdy
Forbes	Myrick	Watkins (OK)		Hall (TX)	McCurdy
Fossella	Nethercutt	Watts (OK)		Harman	McCurdy
Frelinghuysen	Ney	Weldon (FL)		Istook	McCurdy
Gallegly	Northup	Weller		NOT VOTING—5	McCurdy
Ganske	Norwood	Whitfield		Carson (IN)	Ford
Gekas	Nussle	Wicker		DeFazio	Wexler
Gibbons	Osborne	Wilson			Quinn
Gilchrest	Ose	Wolf			
Gillmor	Otter	Young (AK)			
Gilman	Oxley	Young (FL)			

□ 1340

Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. MCCOLLUM, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLYBURN changed their vote from “yea” to “nay.”

Mr. ISTOOK changed his vote from “yea” to “present.”

Ms. GRANGER, and Messrs. LEWIS of California, ADERHOLT, DOOLITTLE, TIAHRT, SHERWOOD, and HOBSON changed their vote from “present” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

David E. Demag, of Vermont.

Thomas J. Scotto, of New York.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Republican Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

Michael D. Branham, of Arizona.

Jimmy Houston, of Mississippi.

#### GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3338.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. DREIER) to assume the chair temporarily.

□ 1343

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3338)