Royce

Rush

Sabo

Ryan (WI)

Rvun (KS)

Sanchez

Sandlin

Sawyer

Saxton

Schiff

Scott

Schrock

Serrano

Sessions

Shadegg

Sherman

Sherwood

Shimkus

Shows

Shuster

Simmons

Simpson

Skeen

Skelton

Slaughter

Smith (MI)

Smith (NJ)

Smith (TX)

Smith (WA)

Solis

Souder

Spratt

Stearns

Stenholm

Stump Sullivan

Sununu

Sweenev

Tanner

Tancredo

Shaw

Shavs

Sensenbrenner

Ortiz Osborne Ose Otter Oxley Pallone Pascrell Pastor Paul Pelosi Pence Peterson (MN) Peterson (PA) Phelps Pickering Platts Pombo Pomeroy Portman Price (NC) Pryce (OH) Putnam Quinn Radanovich Rahall Ramstad Regula Rehberg Reyes Reynolds Rivers Rodriguez Roemer Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen

Rothman

Roukema

Roybal-Allard

Tauscher Tauzin Taylor (MS) Taylor (NC) Terry Thomas Thompson (CA) Thornberry Thune Thurman Tiahrt. Tiberi Tierney Toomey Turner Udall (CO)

Thompson (MS) Udall (NM) Upton Velazquez Visclosky Vitter Walden Walsh Wamp Watkins (OK) Watson (CA) Waxman Weiner Weldon (FL) Weldon (PA) Weller Wexler Whitfield Wicker Wilson (NM) Wilson (SC)

Wolf

Wynn

Woolsey

Young (AK)

Young (FL)

NAYS-19

Miller, George Strickland Conyers DeFazio Owens Stupak Filner Payne Towns Hinchey Rangel Waters Watt (NC) Kucinich Sanders Schakowsky McDermott Stark

NOT VOTING-12

Burton Schaffer Mascara Deutsch Meek (FL) Snyder Ehrlich Murtha Traficant Watts (OK) Emerson Riley

□ 1113

Mr. TOWNS and Mr. WATT of North Carolina changed their vote from 'vea'' to "nav.'

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from "nay" 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.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 57, not voting 16, as follows:

[Roll No. 187]

AYES-361

Dooley Kennedy (RI) Abercrombie Ackerman Doolittle Kerns Akin Doyle Kildee Kilpatrick Allen Dreier Andrews King (NY) Duncan Armey Kingston Dunn Edwards Ba.ca. Kirk Bachus Ehlers Kleczka Baker Ehrlich Knollenberg Baldacci Engel Kolbe LaFalce Ballenger Eshoo Barcia Etheridge LaHood Barr Evans Lampson Everett Langevin Barrett Lantos Larson (CT) Bartlett Farr Ferguson Barton Flake LaTourette Becerra Foley Leach Bentsen Forbes Lee Bereuter Levin Ford Berkley Fossella Lewis (CA) Lewis (GA) Berman Frank Lewis (KY) Frelinghuysen Berry Biggert Frost Linder Gallegly Bilirakis Lipinski Bishop Ganske Lofgren Blagojevich Lowey Lucas (KY) Gekas Blumenauer Gibbons Blunt Gilchrest Lucas (OK) Boehlert Gillmor Luther Boehner Gilman Lynch Bonilla Gonzalez Maloney (CT) Bono Goode Maloney (NY) Goodlatte Boozman Matsui McCarthy (MO) Boswell Gordon McCarthy (NY) Boucher Goss Graham McCollum Boyd Brady (TX) Granger McCrery Brown (FL) McGovern Graves Brown (SC) Green (TX) McHugh Brvant Green (WI) McInnis Greenwood McIntyre Burr Buyer Grucci Callahan Gutierrez McKinney Hall (OH) Calvert Meehan Camp Hall (TX) Meeks (NY) Cannon Hansen Menendez Cantor Harman Mica Hastings (WA) Millender-Capito McDonald Capps Haves Hayworth Miller, Dan Cardin Carson (IN) Miller, Gary Herger Castle Hill Miller, Jeff Chabot Hilleary Mink Chambliss Hinojosa Mollohan Clav Hobson Moran (KS) Clayton Hoeffel Moran (VA) Clement Hoekstra Morella Holden Clyburn Murtha Coble Honda Myrick Collins Hooley Nadler Horn Napolitano Combest Hostettler Conyers Neal Cooksey Houghton Nethercutt Cox Hover Nev Northup Coyne Hunter Cramer Hyde Norwood Crenshaw Inslee Nussle Crowley Isakson Ortiz Cubin Israel Osborne Culberson Issa Ose Istook Otter Cummings Jackson (IL) Cunningham Owens Davis (CA) Jackson-Lee Oxley Davis (FL) (TX) Pascrell Jefferson Davis (IL) Pastor Davis, Jo Ann Jenkins Paul Davis, Tom John Payne Johnson (CT) Dea1 Pelosi Johnson (IL) DeGette Pence Delahunt Johnson, E. B. Peterson (PA) Petri DeLauro Johnson, Sam DeLay Jones (NC) Phelps DeMint Jones (OH) Pickering Diaz-Balart Kanjorski Pitts Platts Dicks Kaptur Dingell Keller Pombo Pomeroy Kelly Doggett

Terry Thomas Portman Serrano Price (NC) Sessions Pryce (OH) Shadegg Thompson (CA) Putnam Shaw Thornberry Shays Thune Quinn Radanovich Sherman Thurman Rahall Sherwood Tiahrt Shimkus Rangel Tiberi Regula Shows Tiernev Rehberg Shuster Toomey Reyes Simmons Towns Reynolds Simpson Turner Rivers Skeen Upton Rodriguez Skelton Velazquez Smith (MI) Roemer Walden Rogers (KY) Smith (NJ) Walsh Rogers (MI) Watkins (OK) Rohrabacher Smith (WA) Watson (CA) Watt (NC) Ros-Lehtinen Solis Ross Souder Waxman Rothman Spratt Weiner Roukema Weldon (FL) Stark Roybal-Allard Weldon (PA) Stearns Strickland Royce Wexler Whitfield Rush Stump Ryan (WI) Sullivan Wilson (NM) Rvun (KS) Sununu Wilson (SC) Sanders Sweeney Wolf Sawyer Tancredo Woolsey Schiff Tanner Wu Schrock Tauscher Wynn Scott Tauzin Taylor (NC) Young (AK) Sensenbrenner Young (FL) NOES-57

Hastings (FL) Aderholt Olver Pallone Baird Hefley Baldwin Hilliard Peterson (MN) Hinchev Borski Ramstad Brady (PA) Sabo Holt Brown (OH) Hulshof Sanchez Kennedy (MN) Capuano Schakowsky Carson (OK) Kucinich Slaughter Condit Larsen (WA) Stenholm Costello Latham Stupak Crane LoBiondo Taylor (MS) Markey DeFazio Thompson (MS) English Matheson Udall (CO) Fattah McDermott Udall (NM) McNulty Miller, George Filner Visclosky Fletcher Wamp Gephardt Waters Moore Gutknecht Oberstar Weller Obev Wicker Hart

NOT VOTING-

Bonior Mascara. Snyder Meek (FL) Burton Traficant Deutsch Riley Vitter Sandlin Watts (OK) Emerson Kind (WI) Saxton Manzullo Schaffer

\Box 1125

So the Journal was approved. The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3129, CUSTOMS BORDER SECURITY ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. Fossella). The gentlewoman from North Carolina (Mrs. Myrick) is recognized for 1 hour.

□ 1130

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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 a structured rule providing for consideration of the bill, H.R. 3129, the Customs Border Security Act of 2001.

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

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

Mr. Speaker, House Resolution 426 is an appropriate and fair rule, and it is consistent with previous rules that our committee has reported and the House has adopted on bills from the Committee on Ways and Means.

This rule gives the chairman of the committee 10 minutes to debate his manager's amendment, while it pro-

vides 60 minutes for the minority substitute, plus the chance to offer a motion to recommit.

Mr. Speaker, the Customs Border Security Act of 2001 would authorize the budget for the U.S. Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography.

H.R. 3129 will help the Customs Service close the gaps in our border that allow illegal money to be taken out of the country. This legislation will also significantly help the Customs Service's ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

This legislation also addresses an issue that is very important to North Carolina, and near and dear to my heart. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina, and a large percentage of those in my district. The industry has done its best through technology modernization to compete, but they have not had a level and fair playing field in our international markets.

This bill will help fight that problem, and it will fight illegal textile transshipments. Transshipments are illegal because some countries ship their goods through another country illegally to avoid the quotas, and they also give a false declaration, which allows them to circumvent the law. Ninety percent of all illegal transshipments originate out of China, so without extra agents to enforce these laws, they get away with it.

H.R. 3129 provides the Customs Service with \$9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here, at home, and abroad to enforce our textile trade laws. Our textile workers are hurting, and they are hurting bad, so I am pleased that the government is beginning to take action.

H.R. 3129 also directs the Comptroller General to conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment. I look forward to their report, and will be interested in their recommendation for improvements to the transshipment monitoring system.

So to that end, I urge my colleagues to support this rule and to support the commonsense underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my good friend, the gentlewoman from North Carolina (Mrs. Myrick) noted, H.R. 3129, the Customs Border Security Act of 2001, authorizes the budget for the U.S. Customs Service, the United States Trade Representative, and the International Trade Commission. These three agencies are vital parts of our government,

as they police our borders and promote the export of U.S. manufacturers.

The rule we are considering today allows for a Democratic substitute, as well as a motion to recommit. I commend the majority for the construction of today's fair rule, and I urge the majority to give consideration for similarly fair rules in the future.

The underlying bill was originally considered by this Chamber in December of 2001 under suspension of the rules, and it failed to gain the two-thirds majority needed for passage. H.R. 3129 failed because many of us on both sides of the aisle had grave concerns about the damage this legislation does to our civil liberties, our right to privacy, and bonus pay for Customs Service agents.

For example, under section 141 of this legislation, customs officers are granted immunity from lawsuits stemming from personal searches of people entering the country, so long as the officers conduct the search in good faith. Additionally, under section 583 of this legislation, customs officers are granted the right to stop and search at the border without a search warrant any outbound mail being transported by the United States Postal Service.

Last night in the Committee on Rules, the chairman of the Committee on Ways and Means, my good friend, the gentleman from California (Mr. THOMAS), made the claim that the major sticking point in the bill last December was the section concerning bonus pay.

Frankly, I am a bit troubled by the chairman's remarks. True, many of us were concerned about the bonus pay provision in the initial bill. However, it was not the gravest concern that some of us had, nor was it the only concern that we expressed. Instead, as I said in this Chamber last December, H.R. 3129 as written imperils some of our civil liberties and some of our right to privacy.

The Rangel substitute offers a more balanced and fair compromise, and I urge our colleagues to carefully consider it. It addresses all of the concerns of our fellow legislators. The Rangel amendment, like the Thomas amendment, includes a provision providing bonus pay to customs agents. It includes a provision stating that the United States government consents to be sued and be held liable for civil damages for suits brought in connection with a wrongful personal search by a customs agent.

The Rangel substitute also contains a provision that raises the standard for searches of outbound mail to one of "reasonable cause," as opposed to the lesser standard of "probable cause."

Mr. Speaker, make no mistake, my concerns for civil liberties and our right to privacy do not blind me to the dangers of terrorism. My district in south Florida is surrounded by 3 major ports and 3 international airports. Just this past week, it was reported by the Coast Guard that 25 Islamic extremists

Watson (CA)

Weldon (FL)

Weldon (PA)

Wilson (NM)

Wilson (SC)

Young (AK)

Young (FL)

Waxman

Weiner

Weller

Wexler

Whitfield

Wicker

Woolsev

Wolf

Wu

Wynn

Obey

Olver

Pastor

Payne

Rangel

Stupak

Tierney

Waters

Schakowsky

Sabo

had snuck into this country by way of ports in Miami, Fort Lauderdale, Savannah, and elsewhere. These individuals allegedly hid themselves in cargo containers, and then walked away from the ports dressed as stevedores.

This body must provide our customs agents with the tools they need to defend our borders and wage a protracted war on terrorism. We should not, however, give these same agents an incentive to violate our privacy and our civil liberties, particularly when doing so will provide us absolutely no extra security. If we allow our fears to goad us into abandoning the Constitution, then the enemies of freedom and democracy will have won.

Ostensibly, security measures such as the provisions of this bill I have just discussed should be crafted in a manner to protect our democracy. If those security measures actually end up imperiling the democratic rights and freedoms their sponsors claim they protect, then they should be abandoned.

I urge my colleagues to support the rule. I further urge them to please support the Rangel substitute, and oppose the underlying bill if the substitute is not adopted.

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

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

Mr. Speaker, I thank the gentleman from Florida for bringing up the fact that there were those 25 extremists who came in through the ports in shipping containers. It just drives home again the need for this bill and additional enforcement. I thank him for that.

Mr. Speaker, I have no further requests for time, 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. Fossella). The question is on the resolution.

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

Mrs. MYRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 16, as follows:

[Roll No. 188]

YEAS-386

Abercrombie	Baldacci	Berkley
Ackerman	Baldwin	Berry
Aderholt	Ballenger	Biggert
Akin	Barcia	Bishop
Allen	Barr	Blagojevich
Andrews	Barrett	Blumenauer
Armey	Bartlett	Blunt
Baca	Barton	Boehlert
Bachus	Bass	Boehner
Baird	Bentsen	Bonilla
Baker	Bereuter	Bonior

Graham

McInnis

McIntyre Granger Boozman McKeon Graves Borski Green (TX) McNulty Boswell 1 Green (WI) Meeks (NY) Boucher Greenwood Menendez Boyd Grucci Mica Brady (PA) Gutierrez Millender-McDonald Brady (TX) Gutknecht Miller, Dan Brown (FL) Hall (TX) Brown (OH) Hansen Miller, Gary Brown (SC) Harman Miller, Jeff Bryant Hart Mink Burr Hastings (FL) Mollohan Buver Hastings (WA) Moore Moran (KS) Callahan Haves Hayworth Moran (VA) Calvert Camp Hefley Morella. Murtha Cannon Herger Cantor Hill Myrick Hilleary Capito Nadler Napolitano Capps Hilliard Cardin Hinojosa Nethercutt Carson (IN) Hobson Ney Northup Carson (OK) Hoeffel Castle Hoekstra Norwood Holden Chabot Nussle Chambliss Holt Oberstar Honda Ortiz Clayton Clement Hooley Osborne Clyburn Horn Ose Hostettler Otter Coble Collins Houghton Owens Combest Hoyer Oxlev Hulshof Pallone Condit Conyers Hunter Pascrell Cooksey Hyde Paul Costello Inslee Pelosi Cox Isakson Pence Coyne Israel Peterson (MN) Cramer Issa. Petri Crane Istook Phelps Crenshaw Jackson (IL) Pickering Crowley Jefferson. Pitts Cubin Jenkins Platts Culberson Pombo John Cummings Johnson (CT) Pomerov Portman Cunningham Johnson (IL) Price (NC) Johnson, E. B. Davis (FL) Johnson, Sam Pryce (OH) Jones (NC) Davis (IL) Putnam Davis, Jo Ann Kanjorski Quinn Davis, Tom Kaptur Radanovich Rahall Deal Keller Ramstad DeLauro Kelly Kennedy (MN) DeLav Regula DeMint Kennedy (RI) Rehberg Diaz-Balart Reyes Revnolds Dicks Kildee Dingell Kilpatrick Rivers Kind (WI) Rodriguez Doggett Dooley King (NY) Roemer Doolittle Rogers (KY) Kingston Rogers (MI) Doyle Kirk Dreier Kleczka Rohrabacher Duncan Knollenberg Ros-Lehtinen Dunn Kolbe Ross Edwards LaFalce Rothman Ehlers LaHood Roukema Ehrlich Lampson Roybal-Allard Engel Langevin Rovce English Rush Lantos Eshoo Larsen (WA) Ryan (WI) Etheridge Larson (CT) Rvun (KS) Evans Latham Sanchez Everett LaTourette Sanders Sandlin Leach Farr Fattah Levin Sawyer Lewis (CA) Ferguson Saxton Flake Lewis (KY) Schiff Fletcher Lipinski Schrock Foley LoBiondo Scott Forbes Sensenbrenner Lofgren Fossella Lowey Serrano Lucas (KY) Frelinghuysen Sessions Lucas (OK) Shadegg Frost Gallegly Luther Shaw Ganske Lynch Shavs Gekas Maloney (CT) Sherman Sherwood Gephardt Maloney (NY) Shimkus Gibbons Manzullo Gilchrest Matheson Shows Gillmor Matsui Shuster McCarthy (MO) Gilman Simmons Gonzalez McCarthy (NY) Simpson Goode McCollum Skeen Goodlatte McCrery Skelton Gordon McGovern Slaughter Goss McHugh Smith (MI)

Smith (TX) Thomas Smith (WA) Thompson (CA) Souder Thompson (MS) Spratt Thornberry Stark Thune Stearns Thurman Stenholm Tiahrt Strickland Tiberi Stump Toomev Sullivan Towns Sununu Turner Udall (CO) Sweenev Udall (NM) Tancredo Tanner Upton Tauscher Velazquez Tauzin Visclosky Taylor (MS) Vitter Taylor (NC) Walden Terry Walsh NAYS-32 Jackson-Lee Becerra Bilirakis (TX) Jones (OH) Capuano Kucinich Clay DeFazio Lee DeGette Lewis (GA) Delahunt Markey Filner McDermott Ford Meehan Frank Miller, George Hinchey Neal NOT VOTING-Berman Mascara Burton McKinney

Deutsch

Emerson

Hall (OH)

Linder

Watt (NC)

Snyder Solis Meek (FL) Traficant Peterson (PA) Watts (OK) Rilev Schaffer

□ 1203

Ms. LEE, and Messrs. FORD, WATT of North Carolina and MEEHAN, Mrs. JONES of Ohio and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

Mr. GILLMOR and Mr. TOWNS changed their vote from "nay" "vea."

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.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 188 on H. Res. 426, rule providing consideration of H.R. 3129, I was unavoidably detained. Had I been present, I would have voted "no."

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 427, I call up the conference report on the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. Fossella). Pursuant to House Resolution 427, the conference report is con-

sidered as having been read.

Smith (NJ)

(For conference report and statement, see proceedings of the House of May 21, 2002 at page H 2691.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).