# CONGRESSIONAL RECORD—HOUSE

H2842

Ortiz Osborne Ose Otter Oxley Pallone Pascrell Pastor Paul Pelosi Pence Peterson (MN) Peterson (PA) Petri Phelps Pickering Pitts 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 Ross Rothman Roukema Roybal-Allard Conyers DeFazio Filner Hinchey Kucinich Lee McDermott Burton

Tauscher Royce Rush Tauzin Taylor (MS) Ryan (WI) Ryun (KS) Taylor (NC) Sabo Terry Sanchez Thomas Thompson (CA) Sandlin Thompson (MS) Sawyer Saxton Thornberry Schiff Thune Thurman Schrock Scott Tiahrt Sensenbrenner Tiberi Serrano Tierney Sessions Toomey Shadegg Turner Shaw Udall (CO) Shavs Udall (NM) Sherman Upton Sherwood Velazquez Shimkus Visclosky Vitter Shows Shuster Walden Simmons Walsh Simpson Wamp Watkins (OK) Skeen Skelton Watson (CA) Slaughter Waxman Smith (MI) Weiner Weldon (FL) Smith (NJ) Smith (TX) Weldon (PA) Smith (WA) Weller Solis Wexler Souder Whitfield Spratt Wicker Wilson (NM) Stearns Stenholm Wilson (SC) Stump Sullivan Wolf Woolsey Sununu Wu Sweenev Wynn Tancredo Young (AK) Young (FL) Tanner NAYS-19 Miller, George Strickland Owens Stupak Payne Towns Rangel Waters Watt (NC) Sanders Schakowsky Stark NOT VOTING-12 Schaffer Mascara Meek (FL) Snvder Murtha Traficant Watts (OK) 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:

Deutsch

Ehrlich

Emerson

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

Ackerman

Akin

Allen

Andrews

Armey

Bachus

Baldacci

Ballenger

Baker

Barcia

Barrett

Bartlett

Barton

Becerra

Bentsen

Bereuter

Berklev

Berman

Biggert

Bishop

Blunt

Boehlert

Boehner

Boozman

Boswell

Boucher

Brvant

Burr

Buyer

Callahan

Calvert

Cannon

Cantor

Capito

Capps

Cardin

Castle

Clav

Chabot

Clayton

Clement

Clvburn

Coble

Collins

Combest

Conyers

Cooksey

Cox

Coyne

Cramer

Crenshaw

Culberson

Cummings

Davis (FL)

Davis (IL)

Dea1

DeGette

Delahunt

DeLauro

DeLay

DeMint

Dicks

Dingell

Doggett

Crowley

Cubin

Chambliss

Camp

Boyd

Bonilla

Bono

Bilirakis

Berry

Bass

Barr

Baca

Doolev Abercrombie Doolittle Doyle Dreier Duncan Dunn Edwards Ehlers Ehrlich Engel Eshoo Etheridge Evans Everett  $\mathbf{Farr}$ Ferguson Flake Foley Forbes Ford Fossella Frank Frelinghuysen Frost Gallegly Ganske Blagojevich Gekas Blumenauer Gibbons Gilchrest Gillmor Gilman Gonzalez Goode Goodlatte Gordon Goss Graham Brady (TX) Granger Brown (FL) Graves Brown (SC) Green (TX) Green (WI) Greenwood Grucci Gutierrez Hall (OH) Hall (TX) Hansen Harman Hastings (WA) Haves Hayworth Carson (IN) Herger Hill Hilleary Hinojosa Hobson Hoeffel Hoekstra Holden Honda Hoolev Horn Hostettler Houghton Hover Hunter Hvde Inslee Isakson Israel Issa Istook Jackson (IL) Cunningham Davis (CA) Jackson-Lee (TX) Jefferson Davis, Jo Ann Jenkins Davis, Tom John Johnson (CT) Johnson (IL) Johnson, E. B. Johnson, Sam Jones (NC) Jones (OH) Diaz-Balart Kanjorski Kaptur Keller Kelly

Kennedy (RI) Kerns Kildee Kilpatrick King (NY) Kingston Kirk Kleczka Knollenberg Kolbe LaFalce LaHood Lampson Langevin Lantos Larson (CT) LaTourette Leach Lee Levin Lewis (CA) Lewis (GA) Lewis (KY) Linder Lipinski Lofgren Lowey Lucas (KY) Lucas (OK) Luther Lynch Maloney (CT) Maloney (NY) Matsui McCarthy (MO) McCarthy (NY) McCollum McCrery McGovern McHugh McInnis McIntyre McKeon McKinney Meehan Meeks (NY) Menendez Mica Millender-McDonald Miller, Dan Miller, Gary Miller. Jeff Mink Mollohan Moran (KS) Moran (VA) Morella Murtha Myrick Nadler Napolitano Neal Nethercutt Nev Northup Norwood Nussle Ortiz Osborne Ose Otter Owens Oxley Pascrell Pastor Paul Payne Pelosi Pence Peterson (PA) Petri Phelps Pickering Pitts Platts Pombo Pomeroy

Pryce (OH) Putnam Quinn Radanovich Rahall Rangel Regula Rehberg Reyes Reynolds Rivers Rodriguez Roemer Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Ross Rothman Roukema Roybal-Allard Rovce Rush Ryan (WI) Rvun (KS) Sanders Sawyer Schiff Schrock Scott Sensenbrenner Aderholt Baird Baldwin Borski Brady (PA) Brown (OH) Capuano Carson (OK) Condit Costello Crane DeFazio English Fattah Filner Fletcher Gephardt Gutknecht

Portman

Price (NC)

Serrano

Sessions

Shadegg

Shaw

Shays

Shows

Shuster

Simpson

Skelton

Skeen

Solis

Souder

Spratt

Stark

Stearns

Stump

Sullivan

Sununu

Sweeney

Tanner

Hefley

Hilliard

Hinchev

Hulshof

Latham

Markey

Moore

Obev

Oberstar

Mascara

Riley

Sandlin

Saxton

Meek (FL)

Holt

May 22, 2002

Terry Thomas Thompson (CA) Thornberry Thune Sherman Thurman Sherwood Tiahrt Shimkus Tiberi Tiernev Toomev Simmons Towns Turner Upton Velazquez Smith (MI) Walden Smith (NJ) Walsh Smith (TX) Watkins (OK) Smith (WA) Watson (CA) Watt (NC) Waxman Weiner Weldon (FL) Weldon (PA) Strickland Wexler Whitfield Wilson (NM) Wilson (SC) Wolf Tancredo Woolsey Wu Tauscher Wynn Tauzin Taylor (NC) Young (AK) Young (FL) NOES-57 Hastings (FL) Olver Pallone Peterson (MN) Ramstad Sabo Sanchez Kennedy (MN) Schakowsky Kucinich Slaughter Larsen (WA) Stenholm Stupak LoBiondo Taylor (MS) Thompson (MS) Matheson Udall (CO) McDermott Udall (NM) McNulty Miller, George Visclosky Wamp Waters Weller Wicker

NOT VOTING--16

Snvder

Vitter

Traficant

Watts (OK)

Bonior Burton Deutsch Emerson Kind (WI) Manzullo

Hart

### 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 Bules 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 provides 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 twothirds 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 Granger

Bono

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.

H2844

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 present.

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
Baldacci Baldwin

Ballenger

Barcia

Barrett

Bartlett

Barton

Bentsen

Bereuter

Bass

Barr

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker

Abercrombie

Berkley Berry Biggert Bishop Blagojevich Blumenaue Blunt Boehlert Boehner Bonilla

Bonior

Boozman Graves Borski Boswell Green (WI) Boucher Greenwood Boyd Grucci Brady (PA) Gutierrez Brady (TX) Gutknecht Hall (TX) Brown (FL) Brown (OH) Hansen Brown (SC) Harman Brvant Hart Burr Buver Callahan Haves Hayworth Calvert Camp Hefley Cannon Herger Cantor Hill Hillearv Capito Capps Hilliard Cardin Hinojosa Carson (IN) Hobson Carson (OK) Hoeffel Castle Hoekstra Holden Chabot Chambliss Holt Honda Clayton Clement Hooley Clyburn Horn Hostettler Coble Collins Houghton Combest Hover Hulshof Condit Conyers Hunter Cooksey Hvde Costello Inslee Cox Isakson Coyne Israel Cramer Issa. Crane Istook Crenshaw Crowlev Jefferson Cubin Jenkins Culberson John Cummings Cunningham Davis (CA) Davis (FL) Davis (IL) Davis, Jo Ann Kanjorski Davis. Tom Kaptur Deal Keller DeLauro Kelly DeLav DeMint Diaz-Balart Kerns Dicks Kildee Kilpatrick Dingell Kind (WI) Doggett Doolev King (NY) Doolittle Kingston Doyle Kirk Kleczka Dreier Duncan Dunn Kolbe Edwards LaFalce Ehlers LaHood Ehrlich Lampson Engel Langevin English Lantos Eshoo Etheridge Evans Latham Everett Leach Farr Fattah Levin Lewis (CA) Ferguson Flake Fletcher Lipinski Folev LoBiondo Forbes Lofgren Fossella Lowey Frelinghuysen Frost Gallegly Luther Ganske Lynch Gekas Gephardt Gibbons Manzullo Gilchrest Matheson Gillmor Matsui Gilman Gonzalez Goode McCollum Goodlatte McCrery McGovern Gordon Goss McHugh Graham McInnis

Green (TX) McNulty Menendez Mica Millender-Mink Hastings (FL) Mollohan Hastings (WA) Moore Morella Murtha Myrick Nadler Ney Northup Norwood Nussle Oberstar Ortiz Osborne Ose Otter Owens Oxlev Pallone Pascrell Paul Pelosi Pence Petri Phelps Jackson (IL) Pickering Pitts Platts Pombo Johnson (CT) Pomerov Portman Johnson (IL) Price (NC) Johnson, E. B Johnson, Sam Jones (NC) Putnam Quinn Rahall Ramstad Kennedy (MN) Regula Kennedy (RI) Rehberg Reyes Revnolds Rivers Rodriguez Roemer Knollenberg Ross Rothman Roukema Rovce Rush Larsen (WA) Ryan (WI) Larson (CT) Rvun (KS) Sanchez LaTourette Sanders Sandlin Sawyer Saxton Lewis (KY) Schiff Schrock Scott Serrano Lucas (KY) Sessions Lucas (OK) Shadegg Shaw Shavs Maloney (CT) Sherman Sherwood Maloney (NY) Shimkus Shows Shuster McCarthy (MO) Simmons McCarthy (NY) Simpson Skeen Skelton Slaughter Smith (MI) Smith (NJ)

McIntvre McKeon Meeks (NY) McDonald Miller, Dan Miller, Gary Miller. Jeff Moran (KS) Moran (VA) Napolitano Nethercutt Berman Burton Deutsch Emerson Hall (OH) Peterson (MN) Linder Pryce (OH) Radanovich Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Roybal-Allard Sensenbrenner

Smith (TX) Smith (WA) Souder Spratt Stark Stearns Stenholm Strickland Stump Sullivan Sununu Sweenev Tancredo Tanner Tauscher Tauzin Taylor (MS) Taylor (NC) Terry Becerra Bilirakis Capuano Clay DeFazio DeGette Delahunt Filner Ford Frank Hinchey

May 22, 2002

Wamp Watkins (OK) Thomas Thompson (CA) Thompson (MS) Watson (CA) Thornberry Waxman Weiner Thune Thurman Tiahrt Tiberi Toomev Towns Turner Udall (CO) Udall (NM) Upton Wolf Velazquez Visclosky Wu Vitter Walden Walsh NAYS-32 Jackson-Lee (TX) Jones (OH) Kucinich Lee Lewis (GA) Markey McDermott Meehan Miller, George Neal NOT VOTING--16 Mascara McKinnev Solis Meek (FL) Traficant Peterson (PA) Watts (OK)

Weldon (FL) Weldon (PA) Weller Wexler Whitfield Wicker Wilson (NM) Wilson (SC) Woolsev Wynn Young (AK) Young (FL) Obey Olver Pastor Payne Rangel Sabo Schakowsky Stupak Tiernev Waters Watt (NC) Snyder

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Rilev

Schaffer

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" to "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 considered as having been read.

(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).