

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DIAZ-BALART:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5710) to establish the Department of Homeland Security, and for other purposes. The bill shall be considered as read for amendment. The amendment specified in section 2 of this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

Sec. 2. The amendment referred to in the first section of this resolution is as follows: Amend section 2(10)(B) so as to read:

“(B) an Indian Tribe or authorized tribal organization, or in Alaska a Native Village or Alaska Regional Native Corporation; and”

Mr. DIAZ-BALART. Mr. Speaker, the amendment corrects language currently in the bill which is inconsistent with the 1971 Alaska Native Claims Settlement Act. The amendment maintains the status quo and ensures the future recognition of current Indian Tribes, tribal organizations, Alaskan Native Villages and Alaska Native Regional Corporations. Mr. Speaker, we are very cognizant of the historic nature of the legislation before us today.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. DIAZ-BALART).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Ms. SLAUGHTER. 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 237, nays 177, not voting 17, as follows:

[Roll No. 475]

YEAS—237

Aderholt	Ballenger	Bereuter
Akin	Barr	Biggert
Armey	Bartlett	Bilirakis
Bachus	Barton	Bishop
Baker	Bass	Blunt

Boehlert	Gutknecht	Pitts
Boehner	Hall (TX)	Platts
Bonilla	Hansen	Pombo
Bono	Hart	Pomeroy
Boozman	Hastings (WA)	Portman
Boyd	Hayes	Pryce (OH)
Brady (TX)	Hayworth	Putnam
Brown (SC)	Hefley	Quinn
Bryant	Herger	Radanovich
Burr	Hill	Ramstad
Burton	Hilleary	Regula
Buyer	Hobson	Rehberg
Callahan	Hoekstra	Reynolds
Calvert	Horn	Riley
Camp	Hostettler	Rogers (KY)
Cannon	Hunter	Rogers (MI)
Cantor	Hyde	Rohrabacher
Capito	Isakson	Ros-Lehtinen
Castle	Issa	Royce
Chabot	Istook	Ryan (WI)
Chambliss	Jenkins	Ryun (KS)
Coble	John	Saxton
Collins	Johnson (CT)	Schaffer
Combest	Johnson (IL)	Schrock
Cooksey	Johnson, Sam	Sensenbrenner
Cox	Jones (NC)	Sessions
Cramer	Keller	Shadegg
Crane	Kelly	Shaw
Crenshaw	Kennedy (MN)	Shays
Crowley	Kerns	Sherwood
Cubin	King (NY)	Shimkus
Culberson	Kingston	Shuster
Cunningham	Kirk	Simpson
Davis, Jo Ann	Knollenberg	Skeen
Davis, Tom	Kolbe	Smith (MI)
Deal	LaHood	Smith (NJ)
DeLay	Larsen (WA)	Smith (TX)
DeMint	Latham	Smith (WA)
Diaz-Balart	LaTourette	Souder
Doolittle	Leach	Stearns
Dreier	Lewis (CA)	Stenholm
Duncan	Lewis (KY)	Stupak
Dunn	Linder	Sullivan
Edwards	LoBiondo	Sununu
Ehlers	Lowey	Sweeney
Ehrlich	Lucas (KY)	Tancredo
Emerson	Lucas (OK)	Tauscher
English	Maloney (CT)	Tauzin
Eshoo	Manzullo	Taylor (NC)
Everett	McCrery	Terry
Ferguson	McHugh	Thomas
Flake	McInnis	Thornberry
Fletcher	McIntyre	Thune
Foley	McKeon	Thurman
Forbes	Mica	Tiahrt
Fossella	Miller, Dan	Tiberi
Frelinghuysen	Miller, Gary	Toomey
Frost	Miller, Jeff	Upton
Gallegly	Moran (KS)	Vitter
Ganske	Morella	Walden
Gekas	Myrick	Walsh
Gibbons	Nethercutt	Wamp
Gilchrest	Ney	Watkins (OK)
Gillmor	Northup	Watts (OK)
Gilman	Norwood	Weldon (FL)
Goode	Nussle	Weldon (PA)
Goodlatte	Osborne	Weller
Goss	Ose	Whitfield
Graham	Otter	Wicker
Granger	Oxley	Wilson (NM)
Graves	Pence	Wilson (SC)
Green (WI)	Peterson (PA)	Wolf
Greenwood	Petri	Young (AK)
Grucci	Pickering	Young (FL)

NAYS—177

Abercrombie	Capps	Doggett
Ackerman	Capuano	Dooley
Allen	Cardin	Doyle
Andrews	Carson (IN)	Engel
Baca	Carson (OK)	Etheridge
Baird	Clay	Evans
Baldacci	Clayton	Fattah
Baldwin	Clement	Filner
Barcia	Clyburn	Ford
Barrett	Conyers	Frank
Becerra	Costello	Gephardt
Bentsen	Coyne	Gonzalez
Berkley	Cummings	Gordon
Berman	Davis (CA)	Green (TX)
Berry	Davis (FL)	Gutierrez
Blumenauer	Davis (IL)	Harman
Bonior	DeFazio	Hastings (FL)
Borski	DeGette	Hillhard
Boswell	Delahunt	Hinojosa
Boucher	DeLauro	Hoefl
Brady (PA)	Deutsch	Holden
Brown (FL)	Dicks	Holt
Brown (OH)	Dingell	Honda

Hoyer	McNulty	Sanchez
Inslee	Meehan	Sanders
Israel	Meeks (NY)	Sandlin
Jackson (IL)	Menendez	Sawyer
Jackson-Lee	Millender-McDonald	Schakowsky
(TX)		Schiff
Jefferson	Mollohan	Scott
Johnson, E. B.	Moore	Serrano
Jones (OH)	Moran (VA)	Sherman
Kanjorski	Murtha	Shows
Kaptur	Nadler	Skelton
Kennedy (RI)	Napolitano	Slaughter
Kildee	Neal	Snyder
Kilpatrick	Oberstar	Solis
Kind (WI)	Obey	Spratt
Kleccka	Olver	Strickland
Kucinich	Ortiz	Tanner
LaFalce	Owens	Taylor (MS)
Lampson	Pallone	Thompson (CA)
Langevin	Pascarella	Thompson (MS)
Lantos	Pastor	
Larson (CT)	Paul	Tierney
Lee	Payne	Towns
Levin	Pelosi	Turner
Lewis (GA)	Peterson (MN)	Udall (CO)
Lipinski	Phelps	Udall (NM)
Lofgren	Price (NC)	Velazquez
Luther	Rahall	Visclosky
Lynch	Reyes	Waters
Maloney (NY)	Rivers	Watson (CA)
Markey	Rodriguez	Watt (NC)
Mascara	Roemer	Waxman
Matheson	Ross	Weiner
Matsui	Rothman	Wexler
McCarthy (MO)	Roybal-Allard	Woolsey
McCollum	Rush	Wu
McGovern	Sabo	Wynn

NOT VOTING—17

Blagojevich	Hulshof	Rangel
Condit	McCarthy (NY)	Roukema
Farr	McDermott	Simmons
Hinchee	McKinney	Stark
Hooley	Meek (FL)	Stump
Houghton	Miller, George	

□ 1415

Messrs. ROTHMAN, BERRY, ABERCROMBIE, CUMMINGS and TOWNS changed their vote from “yea” to “nay.”

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated Against:

Mr. FARR of California. Mr. Speaker, I was unavoidably detained in my congressional office and missed rollcall vote No. 475. Had I been present, I would have voted “nay.”

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 6 o'clock and 33 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the

disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4546) "An Act to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The message also announced that pursuant to the provisions of Public Law 93-642, the Chair, on behalf of the Vice President, announces the appointment of the Senator from Missouri (Mrs. CARNAHAN) to the Board of Trustees of the Harry S Truman Scholarship Foundation, vice the Senator from Montana (Mr. BAUCUS), made on October 22, 2002, during the adjournment.

The message also announced that pursuant to the provisions of Public Law 99-498, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, announces the appointment of Clare Cotton of Massachusetts to the Advisory Committee on Student Financial Assistance, vice Donald R. Vickers of Vermont, made on October 22, 2002, during the adjournment.

#### HOMELAND SECURITY ACT OF 2002

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 600, I call up the bill (H.R. 5710) to establish the Department of Homeland Security, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 5710 is as follows:

H.R. 5710

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Construction; severability.
- Sec. 4. Effective date.

#### TITLE I—DEPARTMENT OF HOMELAND SECURITY

- Sec. 101. Executive department; mission.
- Sec. 102. Secretary; functions.
- Sec. 103. Other officers.

#### TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Directorate for Information Analysis and Infrastructure Protection; Access to Information

- Sec. 201. Directorate for Information Analysis and Infrastructure Protection.
- Sec. 202. Access to information.

#### Subtitle B—Critical Infrastructure Information

- Sec. 211. Short title.
- Sec. 212. Definitions.
- Sec. 213. Designation of critical infrastructure protection program.
- Sec. 214. Protection of voluntarily shared critical infrastructure information.
- Sec. 215. No private right of action.

#### Subtitle C—Information Security

- Sec. 221. Procedures for sharing information.
- Sec. 222. Privacy Officer.
- Sec. 223. Enhancement of non-Federal cybersecurity.
- Sec. 224. Net guard.
- Sec. 225. Cyber Security Enhancement Act of 2002.

#### Subtitle D—Office of Science and Technology

- Sec. 231. Establishment of office; Director.
- Sec. 232. Mission of office; duties.
- Sec. 233. Definition of law enforcement technology.
- Sec. 234. Abolishment of Office of Science and Technology of National Institute of Justice; transfer of functions.
- Sec. 235. National Law Enforcement and Corrections Technology Centers.
- Sec. 236. Coordination with other entities within Department of Justice.
- Sec. 237. Amendments relating to National Institute of Justice.

#### TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

- Sec. 301. Under Secretary for Science and Technology.
- Sec. 302. Responsibilities and authorities of the Under Secretary for Science and Technology.
- Sec. 303. Functions transferred.
- Sec. 304. Conduct of certain public health-related activities.
- Sec. 305. Federally funded research and development centers.
- Sec. 306. Miscellaneous provisions.
- Sec. 307. Homeland Security Advanced Research Projects Agency.
- Sec. 308. Conduct of research, development, demonstration, testing and evaluation.
- Sec. 309. Utilization of Department of Energy national laboratories and sites in support of homeland security activities.
- Sec. 310. Transfer of Plum Island Animal Disease Center, Department of Agriculture.
- Sec. 311. Homeland Security Science and Technology Advisory Committee.
- Sec. 312. Homeland Security Institute.
- Sec. 313. Technology clearinghouse to encourage and support innovative solutions to enhance homeland security.

#### TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY

##### Subtitle A—Under Secretary for Border and Transportation Security

- Sec. 401. Under Secretary for Border and Transportation Security.
- Sec. 402. Responsibilities.
- Sec. 403. Functions transferred.

##### Subtitle B—United States Customs Service

- Sec. 411. Establishment; Commissioner of Customs.
- Sec. 412. Retention of customs revenue functions by Secretary of the Treasury.
- Sec. 413. Preservation of customs funds.
- Sec. 414. Separate budget request for customs.
- Sec. 415. Definition.
- Sec. 416. GAO report to Congress.
- Sec. 417. Allocation of resources by the Secretary.
- Sec. 418. Reports to Congress.
- Sec. 419. Customs user fees.

##### Subtitle C—Miscellaneous Provisions

- Sec. 421. Transfer of certain agricultural inspection functions of the Department of Agriculture.

- Sec. 422. Functions of Administrator of General Services.
- Sec. 423. Functions of Transportation Security Administration.
- Sec. 424. Preservation of Transportation Security Administration as a distinct entity.
- Sec. 425. Explosive detection systems.
- Sec. 426. Transportation security.
- Sec. 427. Coordination of information and information technology.
- Sec. 428. Visa issuance.
- Sec. 429. Information on visa denials required to be entered into electronic data system.
- Sec. 430. Office for Domestic Preparedness.

#### Subtitle D—Immigration Enforcement Functions

- Sec. 441. Transfer of functions to Under Secretary for Border and Transportation Security.
- Sec. 442. Establishment of Bureau of Border Security.
- Sec. 443. Professional responsibility and quality review.
- Sec. 444. Employee discipline.
- Sec. 445. Report on improving enforcement functions.
- Sec. 446. Sense of Congress regarding construction of fencing near San Diego, California.

#### Subtitle E—Citizenship and Immigration Services

- Sec. 451. Establishment of Bureau of Citizenship and Immigration Services.
- Sec. 452. Citizenship and Immigration Services Ombudsman.
- Sec. 453. Professional responsibility and quality review.
- Sec. 454. Employee discipline.
- Sec. 455. Effective date.
- Sec. 456. Transition.
- Sec. 457. Funding for citizenship and immigration services.
- Sec. 458. Backlog elimination.
- Sec. 459. Report on improving immigration services.
- Sec. 460. Report on responding to fluctuating needs.
- Sec. 461. Application of Internet-based technologies.
- Sec. 462. Children's affairs.

#### Subtitle F—General Immigration Provisions

- Sec. 471. Abolishment of INS.
- Sec. 472. Voluntary separation incentive payments.
- Sec. 473. Authority to conduct a demonstration project relating to disciplinary action.
- Sec. 474. Sense of Congress.
- Sec. 475. Director of Shared Services.
- Sec. 476. Separation of funding.
- Sec. 477. Reports and implementation plans.
- Sec. 478. Immigration functions.

#### TITLE V—EMERGENCY PREPAREDNESS AND RESPONSE

- Sec. 501. Under Secretary for Emergency Preparedness and Response.
- Sec. 502. Responsibilities.
- Sec. 503. Functions transferred.
- Sec. 504. Nuclear incident response.
- Sec. 505. Conduct of certain public health-related activities.
- Sec. 506. Definition.
- Sec. 507. Role of Federal Emergency Management Agency.
- Sec. 508. Use of national private sector networks in emergency response.
- Sec. 509. Use of commercially available technology, goods, and services.

#### TITLE VI—TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS

- Sec. 601. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.