

PROVIDING FOR CONSIDERATION OF H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

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. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 and clause 2 of rule XXI are waived except as follows: sections 514, 521, and 522. 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. 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purposes of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 293 is an open rule that provides for the consideration of H.R. 2555, the Fiscal Year 2004 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

As we begin the cycle, the 2004 appropriations cycle, I think it is fitting that the first bill that the House considers will be the Department of Home-

land Security Appropriations Act. It has been now approaching 2 years since the Nation was severely hurt by the cowardly attacks of September 11, 2001. Appropriate decisive and necessary steps in our defense and our foreign policy have been evident under the leadership of President Bush through successful efforts to rid Afghanistan of al Qaeda and the oppressive Taliban regime and recently to remove a ruthless dictator from power in Iraq. The United States military has performed and succeeded with extraordinary distinction each and every time that it has been called upon.

Now I look forward to the fair debate that is provided under this rule and the eventual passage of this legislation so that we can continue to act as well on local, State and Federal levels to reinforce the security of the United States of America. Funding from this Congress to protect the homeland in this legislation, the underlying legislation, is \$29.4 billion, \$1 billion over President Bush's request, and this legislation will provide \$4.4 billion to the Office of Domestic Preparedness.

I have seen firsthand the work of Federal dollars when supplemented with State and local funding to make our communities safer. In south Florida the local governments and municipalities have taken extensive steps to secure the safety of airports and seaports, utilities and water supplies, but they certainly need the supplemental funding and grants that this bill makes available. With over 7,500 miles of land border and 361 seaports, the local authorities obviously, Mr. Speaker, will always be the front line of defense. First responders are the key to the effective protection of our communities. The Office of Domestic Preparedness has seen an increase in grants and aid of 1,400 percent since September 11, 2001. Through fiscal year 2004, this Congress has enacted or proposed over \$17 billion in funding for local emergency work. Although much of the funding goes through State governments for distribution, of those funds 80 percent must be sent, passed on to the local municipalities by the States within 45 days.

□ 1145

To further ensure the safety of the American people, we have instituted very clear guidelines for grant eligibility. Local and State officials must create a multiyear Homeland Security Plan. This will ensure that Congress is not just throwing money at the problem, but working to find a forum in which State and local governments can find comprehensive, long-term solutions.

The Department of Homeland Security is also working diligently to protect our ports of entry. There is \$61.7 million in this bill for the Container Security Initiative known as CSI. It is our belief that security at the ports of the United States should really be the

last line of defense, if possible, and not the first.

Through the Container Security Initiative, the Bureau of Customs and Border Protection is working with the world's largest ports to secure and screen cargo before it leaves for the United States. We now require 24-hour advanced notice for manifests of cargo ships heading to the United States. This allows the Department of Homeland Security to see what is on a ship before it gets near the coasts of the United States. Through a sophisticated database screening system and ground personnel working with other countries, the Department of Homeland Security is creating a frontline of defense hundreds, and, in many instances, thousands of miles from the United States.

H.R. 2555 also continues funding for the Transportation Security Administration at over \$5 billion, \$5.172 billion to be exact, \$360 million over the President's request, as we continue to work to ensure that airplane travel is as safe as possible.

Finally, Mr. Speaker, this bill addresses the creation of Project Bioshield. In a speech to the Bio 2003 Convention Center and Exhibition yesterday, President George W. Bush stated, "Project Bioshield will give our scientific leaders greater authority and more flexibility in decisions that may affect our national security. Our labs will be able to hire the right experts, to buy the right equipment, and to speed the construction of the right facilities to accelerate urgently needed discoveries."

Mr. Speaker, I believe that Project Bioshield is truly one of the most important programs created as a direct result of the threats to the homeland of the United States. Similar to the space race during the decade of the 1960s, the Nation faces a time when it must rely on the great innovations of science and research, in this instance, to keep our communities safe. I am confident that this legislation addresses those needs by providing Project Bioshield with nearly \$6 billion over the next 10 years.

H.R. 2555, Mr. Speaker, is very important legislation. It is important that we bring it forth today. I am proud to be able to do so. It is essential to the continued commitment by this Congress for the security and safety of all citizens and residents of the United States and, in fact, to the well-being of our homeland. We bring it forth under a fair and open rule. The legislation was reported out of the Committee on Appropriations by a voice vote. I think it is very appropriate to thank, and I do so, the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their leadership on this important issue; and I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Mr. FROST. Mr. Speaker, I supported the Department of Homeland Security back when most Republicans still opposed it, and I served on the Select Committee that created the new Department last year, so I expect to vote for this bill to fund the Department on final passage.

But before we get to that point, Members will have the chance to address several serious weaknesses in America's homeland defense system.

First, we need to pass the amendment of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the committee, to increase security at our ports, our airports, and our northern border, and to meet other vital security needs identified by the Bush administration. As it stands, the base bill does not address major holes in homeland defense, and the Obey amendment would plug some of those. And to do it, all we have to do is ask millionaires to take slightly smaller tax breaks than they are already getting next year. It is a reasonable trade: about 200,000 millionaires would give up just \$5,000 of the over-\$88,000 in tax breaks they are getting next year, and all Americans would get critical homeland security investments.

Unfortunately, the Republican leadership is not willing to ask millionaires to accept an \$83,000 tax break next year rather than an \$88,000 tax break, so they blocked the Obey amendment.

Fortunately, Mr. Speaker, addressing the second issue does not cost a dime, but it is fundamental to the success of the new Department of Homeland Security. As my colleagues will recall, when the Congress created this powerful new domestic security agency last year, several Members, Republicans as well as Democrats, expressed concern that its powers could be abused and turned against law-abiding American citizens. The former House majority leader, Dick Armey of Texas, was particularly outspoken on this issue.

Unfortunately, we have already seen an example of the danger that concerned Mr. Armey.

And that is why it is absolutely critical that the House act to protect the Department of Homeland Security from ever again being used as the Department of Political Security, as happened just last month.

Mr. Speaker, the Department of Homeland Security became involved in a partisan political dispute last month when it helped Texas Republicans hunt down law-abiding Democratic State legislators. Specifically, the Homeland Security agency charged with tracking terrorists was enlisted to help Texas Republicans trying to track Democratic lawmakers who had stood up to the Republican leadership in Austin. These Democratic legislators violated neither State nor Federal law. They

simply used a legal parliamentary tactic, breaking a quorum, in a legislative battle to stop an unprecedented bill to unnecessarily redraw Texas's congressional districts. They employed a legitimate parliamentary tactic that Republicans have used at other times and in other places.

But when Abraham Lincoln broke a quorum in the Illinois legislature in 1839, his political opponents did not have the option of using the Department of Homeland Security to track him down. Neither did the officers of the U.S. Senate in 1988 when Senate Republicans tried to break a quorum.

Today, however, the Department of Homeland Security has enormous domestic intelligence powers. And somehow, on May 12, 2003, America's homeland security resources were employed to help Texas Republicans against their political rivals.

There is really no disputing this, Mr. Speaker. According to a report by the Department's own Inspector General, the Homeland Security Department's Air and Marine Interdiction Coordination Center spent its resources helping the Texas State police and the Texas Republican leaders directing the manhunt trying to find the plane of former Texas Speaker Pete Laney, a Democratic legislator who had flown to Oklahoma, to break the quorum. Many of my colleagues will remember Mr. Laney as the Democrat who introduced George W. Bush to the Nation on the night that he was declared President by the Supreme Court.

If my colleagues can believe it, Mr. Speaker, Homeland Security officials maintain that the 40 minutes they spent assisting in the Texas Republican's manhunt was only a "minimal" amount of work. That is a troubling excuse.

If the Department of Homeland Security spent just 1 minute in a domestic political dispute, then it was 1 minute too long. But they spent 40 minutes, which is longer than it took for terrorists to carry out their September 11 attack on the World Trade Center.

Even the office of a Republican member, Representative KEN CALVERT, who represents the Riverside area where the AMICC is based, called to express shock at their involvement, at the Homeland Security Department's involvement in this political matter.

Mr. Speaker, Homeland Security officials also contend that they were tricked into getting involved. The report issued by the Department's Inspector General indicates that "several individuals" were instructing the Texas State police officer who got homeland security involved in the manhunt. According to a partial and heavily blacked-out transcript released by the Homeland Security officials, the officer was taking direct orders from a "State representative."

The Texas State police refused to identify who was directing them, and they quickly destroyed most of the documents relating to the episode. As a

result, Homeland Security referred this case to the Federal Bureau of Investigation, but the FBI says it has no interest in investigating.

Fortunately, some Texas State police field notes survived the document purge and they indicate that Texas Republicans, Governor Rick Perry, State House Speaker Tom Craddick and others, personally instructed the State police during much of the manhunt which was run out of Speaker Craddick's office.

So as my colleagues can see, Mr. Speaker, a lot of disturbing questions remain unanswered about how homeland security resources were used to help the Texas Republicans track their political rivals.

Mr. Speaker, let me be clear: my goal here today is to protect the Department of Homeland Security. Its mission, safeguarding Americans against the threat of terrorism, is too important to risk undermining its credibility with the public.

But even if homeland security officials were misled, and the available facts do not clearly support that excuse, the entire episode still reveals the Department of Homeland Security's dangerous vulnerability to abuse.

Unfortunately, Homeland Security officials have refused to even acknowledge the Department's vulnerability or the threat it poses to their mission. Secretary Ridge has refused to release the complete tapes of the Department's communications with Texas officials or anyone else involved in this episode, despite legitimate requests from numerous Members of Congress, including the ranking members of the House and Senate committees that oversee the Department.

And the Department's Inspector General declared that its own agency's actions were "appropriate."

Mr. Speaker, that is so wrong that it is frightening. It is never appropriate to use homeland resources for partisan purposes, no matter how many minutes Homeland Security officials spend helping one political party, or which party they help. On the contrary, it is a dangerous abuse of power, one that threatens the liberties of all Americans, and one that risks public support for the Department of Homeland Security.

That is why the gentleman from Texas (Mr. EDWARDS), a member of the Committee on Appropriations, and the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Select Committee on Homeland Security, submitted amendments to the Committee on Rules last night to ensure that the Department of Homeland Security never again finds itself being used for partisan purposes.

Republicans on the Committee on Rules, however, seem not to understand the seriousness of the Department's vulnerability or the importance of closing this loophole immediately, because they blocked both amendments.

As a result, there is only one way to protect the Department of Homeland Security against political abuse: by opposing the important procedural vote known as the previous question. If we defeat the previous question, I will amend the rule to allow the House to consider these two amendments to restore public trust in America's homeland security officials.

Mr. Speaker, this should not be a partisan issue. I urge my colleagues to put politics aside and oppose the previous question.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the rule for the fiscal year 2004 Homeland Security appropriations bill. The rule should be opposed for several reasons. I will raise two of them.

First, the rule does not protect an amendment I offered that was adopted in committee which concerns the Transportation Security Administration's new computerized airline passenger profile system called CAPPS2.

As proposed, CAPPS2 potentially represents the largest-ever intrusion of the Federal Government into our personal lives. Under it, a Federal agency would mine sensitive personnel data on millions of people for the routine event of flying on an airplane. The privacy and due process concerns are immense. The administration has been working on CAPPS2 since late last year.

□ 1200

But there remains many unanswered questions about it. It deserves far more scrutiny than has been paid so far. I am concerned that TSA may not currently possess the expertise to design a fair and effective passenger screening system, one that catches the people who mean us harm, while protecting those who do not.

I am concerned for law abiding people, especially those with common names and those who move residences often or who do not have well-established credit histories like college students and older Americans. I worry that these honest people will be singled out for further TSA screening, not based on risk but simply because the system is not well designed.

I am concerned that while TSA may set up a mediator to deal with passenger problems, it may be a mediator in name only. There may be no adequate process for passengers to get problems fully resolved because TSA will not control all the data bases it plans to use. If so, once red flagged, will law abiding people be needlessly hassled every time they fly? And to make matters worse, would such mistaken red flags of people who pose no risk cause the passenger and baggage screening systems to become overburdened, thereby raising the risk of lowering it?

My amendment, the CAPPS2 provision in the bill, requires the GAO to review CAPPS2 as it exists today before funding can be obligated on a planned pilot program.

GAO's review would mirror the recommendations put forth by the Secretary of Defense and the Attorney General in the report they submitted on May 20 on DOD's Terrorism Information Awareness Program. It is unclear how many of these recommendations, if any, have been filed by the TSA or by the Department of Homeland Security. I suspect none.

The CAPPS2 provisions in the bill are reasonable and should have been protected in the rule from points of order.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE), truly one of the most thoughtful and really an extraordinary leader in this House.

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

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

Mr. Speaker, I was here, as you were, and as most of us in this institution were on the day September 11, 2001. It was a sunny day, just really very much like today. All of us were busy about our business, breakfast meetings of that Tuesday, when we received word of what happened in New York and then happened again and then happened within a proximity of these buildings that is still jarring to the memory of most Americans, the causality and the horrific tragedy at the Pentagon.

So this business of homeland security is a very serious and near-to-the-heart business for me. While I am not a member of the Committee on Appropriations that crafted the critical legislation upon which this rule is based, I am a member of the House Committee on the Judiciary's Subcommittee on Crime, Terrorism and Homeland Security; and I was compelled to come to the floor today, Mr. Speaker, and speak about what it is that we are doing in the majority for homeland security. And because there is much in the national debate and much in the debate on this blue and gold carpet that suggests that we are not doing our part. And I am duty-bound to come here today and say that I believe we are. In fact, I helped to draft the legislation that created the new Department of Homeland Security.

And the first priority of that new department, the first of its kind in decades, is to protect our Nation against further terrorist attack. Our first priority, Mr. Speaker, is to ensure the Department is properly funded to fulfill its mission. And I believe the gentleman from Kentucky (Mr. ROGERS) and the members of the subcommittee who prepared this critical appropriations legislation in the area of homeland security have crafted a balanced

bill that will keep our homeland safer in an age of growing terrorist threats, will meet those needs of first providers.

The bill recognizes the need for coordination at every level of homeland security. Here are a few examples: We do support State and local first responders, \$1.9 billion for an Office of Domestic Preparedness basic formula grants; \$500 million for State and local law enforcement terrorism prevention grants; \$750 million for firefighters grants; \$168 million for emergency management performance grants.

Also, this legislation today will do much to strengthen and protect our borders, porous as they have been, threatening our national security. This bill will provide \$9 billion for border protection and related activities, including \$129 million for inspection technologies for vehicles and cargo; \$61.7 million for container security, and \$12.1 million for Customs Trade Partnership Against Terrorism.

We also are enhancing the transportation security, \$1.6 billion for passenger screening, \$1.2 billion for baggage screening efforts, and the list goes on and on and on.

Mr. Speaker, much will be said today as we proceed through this rule, debate, and through general debate that the majority has not done enough. But there are literally billions and billions of dollars carefully crafted in the area of first responders, protecting our borders, transportation security that argue eloquently and forcefully otherwise.

I urge my colleagues to support the Homeland Security Appropriations Act and this rule. I believe it strikes a balance perfectly between the missions previously under the umbrella of other agencies that now find themselves under this new department.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, Austin, Texas is the proud capital of the Lone Star State. And we say rather modestly there that we are the live music capital of the world. We do so because of an immense amount of talent and a great interest in music in our community. But of late there has been music of a different type.

We have had the Republican majority leader, the gentleman from Texas (Mr. DELAY) trying to call the tune and forcing the leaders of our State to dance to his tune. Indeed, he has spent so much time in Austin arm twisting and cajoling State legislators, huddling a week ago today with the Governor, Lieutenant Governor, and Speaker of Texas House, that just this past Friday he was named by Texas Monthly as one of the 10 worst members of the Texas legislature, not of the United States Congress. It is difficult to determine for which body he is devoting the most time.

Against that backdrop, we consider this legislation. The problem that we face today is that no matter how much

we appropriate for homeland security to protect us against terrorism, if its resources are being diverted to political purposes, such as fulfilling the desires of the gentleman from Texas (Mr. DELAY), then we will not have the protections that the American people deserve. We know that the Department allocated some of its resources to searching for Texas legislators who were involved in legitimate opposition to the DeLay Redistricting Plan.

The Department first assigned a former Republican Congressional candidate from Texas as the Inspector General to conduct an "independent" investigation to decide whether the resources had been misallocated. When that gentleman, after his biased and partisan background on this matter was exposed, recused himself, and then another person was appointed, we were assured that she, as an Inspector General at the Department of Homeland Security, would get to the bottom of this.

She assured us she would explore all aspects of the misuse of the Department of Homeland Security, but then produced a report that only looked at the sole issue of the Department's inability to find a cotton farmer from Plainview and where his plane had gone. I hope they are able to do a better job with terrorism than they did in locating an airplane of a former Democratic Speaker of the Texas House. She did not, as promised, conduct a broad examination of misuse of any resources in any part of the Department. Though she told us she would get to the bottom of who required that this investigation be undertaken, she did not do that and her report is silent on whether any federal office holders or their employees were involved.

As with the Department of Justice, the Federal Bureau of Investigation, the United States Attorneys Office, the U.S. Marshals Service, we have received no information in response to repeated requests about how they may have been misused by the gentleman from Texas (Mr. DELAY) or others in this investigation in the State of Texas. In fact, we have a stone wall and we have asked the gentleman from Texas (Mr. DELAY), well known as "the hammer" to tear down that stone wall. To date we have nothing but silence and excuses and stonewalling with reference to these matters.

What relevance does that have to today's appropriations request? All the relevance in the world. If the Department of Homeland Security, the U.S. Marshals Service or the Department of Justice can be used for partisan political purposes like this and all it takes is a call from someone with a badge, what is there to prevent a sheriff somewhere in America who wants the Department of Homeland Security to help with a divorce investigation to involve them in this? If there is a local police chief who wants to do some opposition research on the opponent of a local mayor who is up for reelection, who

will prevent the Department of Homeland Security from getting involved in that? If you have a local police officer who is suspicious of a political or religious group, what is there to prevent the Department of Homeland Security from responding to his request.

Well, from what we have learned in "Texasgate" so far, one would say there is very little and that this episode only reinforces the concerns of many Americans that this Department, well intentioned as it may be, would bring us a new America in which the watchword is "spy on our neighbors." There is very real concern about government resources that should be dedicated to protecting American families and instead could be misused for personal or political gain.

Until we get a full and complete disclosure from all the participants in this scandal, we will not have a complete answer as to whether Americans are adequately protected, and that is the purpose of defeating this motion for the previous question on this rule. In this way, we can attempt to get to the bottom of this and to ensure that the resources are not diverted from where they should be to protect our families, into protecting some political partisan who is trying to reshape America in his image.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, will the Chair notify me when I have used 5 minutes?

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will.

Mr. OBEY. Mr. Speaker, this bill should not even be here at this time. The Committee on Appropriations chairman, the gentleman from Kentucky (Mr. ROGERS), knows his stuff. And he demonstrated that last year when he did very heavy oversight of the Transportation Security Administration, which was totally screwed up at the time.

The problem we have with this bill being before us today is that this new agency was extremely reluctant to provide useful information to this Congress so that we could make intelligent judgments about how to allocate money to this new agency. And we have a specific problem, because the reorganization bill that passed with much ballyhoo last year is not what it is cracked up to be. Before the passage of that legislation we had 133 agencies that had something to do with homeland security. And what the bill finally did was to take 22 of those agencies, not including the FBI and the CIA, the two gut agencies in our fight against terrorism, so they took 22 agencies, put them in the department that they called "Homeland Security," and we are supposed to stand up and sing Ho-

sannas. The problem is that left 111 other agencies uncoordinated, outside the tent.

So we had that basic confusion to begin with, and now we have even more confusion at the agency. This new agency, for instance, we are told still has not prepared a telephone directory for its employees so people can reach who they are supposed to reach if they have a problem.

Now, there is nothing wrong with this bill if you think it is perfectly okay to proceed on the status quo, because this bill provides a meager 1.8 percent increase over last year's budget for the agencies meant to protect us against terrorism. But because of inflation that means there will be on a per capita basis less security provided to each and every citizen of this country this year than was the case last year. And yet we hear many stories about deficiencies in securing this country.

□ 1215

Example, we had over 60 uncleared aircraft that flew from Canada into the United States last year. We have no assurance about what was in those planes or who was in those planes. We have \$4 billion that the Coast Guard has told us that we need to provide over time to our port facilities for security purposes. We are only inspecting 2 percent of all of the cargoes that come into our national ports; and we have what was supposed to be the brain of the agency, the information analysis division, having a terrible time getting off the ground after the reorganization.

So I want to put the House on notice now. I intend to offer an amendment that would add \$1 billion to key security functions. I would add \$400 million for port security grants. The Coast Guard has told us that we need \$4.4 billion, and this will speed up that timetable a bit. My amendment would also bring to 25 percent the Federal contribution of port facility security needs. That leaves a huge percentage of the bill still in local hands. If we do not do this, it will take close to 20 years before we are providing half the cost of meeting that security. That is a little bit too long to wait, I think.

Thirdly, we would add \$100 million to the Coast Guard to effectively implement the Maritime Security Administration Act, which was created in order to improve our ability to analyze vessel threat information. And my amendment would also provide \$100 million to increase the number of Customs inspectors now inspecting container ships into the United States. This would allow 1,300 additional Customs inspectors to be brought on. That is still a drop in the bucket in comparison to what they need.

We would also provide \$200 million to improve security on the northern borders, some 5,500 miles long; and we have virtually no capacity to cover large sections of it. During Operation Liberty Shield, there were 10 aircraft that came across that border without a

clearance, even though that border was being patrolled by air for 30 straight days. I would say that is a problem.

People will say how do we intend to pay for this amendment. We would intend to pay for the amendment by reducing the size of the tax cut that this Congress just provided for people who make over \$1 million a year. We would reduce that average tax cut from \$88,300 to \$83,300. That is hardly crippling the most well-off people in this country, but that tiny adjustment in their windfall would enable us to significantly enhance the security of the United States. It would inure to their benefit as well as citizens who do not get that fat a tax cut. I think it is perfectly rational.

I know some people will say, "Oh my goodness, you must not do that because you will be invading the jurisdiction of another committee." I would point out that if you go back just a few months ago on the omnibus appropriation bill, we had a whole slew of proposals that the House leadership insisted that we put into that appropriation bill. Most of those items were under the jurisdiction of the Committee on Ways and Means. So all we are doing is what the leadership of this House itself did last year, and it seems to me that we ought to put the welfare of the country, ahead of what Dick Bolling, my mentor from Missouri, described years ago as being jurisdictional dung hill politics. We should not worry about jurisdiction. We should worry about what kind of a job we do on the substantive level.

So basically, Mr. Speaker, the Committee on Rules did not allow my amendment to be made in order. What is happening is this: when the budget resolution process was first established by the Congress, the purpose was to make Congress face up to choices and to recognize what the trade-offs would be when you made those choices; but the way the House leadership is running the budget process today, they are guaranteeing that there is never any linkage between actions and consequences.

What this House did on the budget resolution, what this House did on the tax bill has now dictated to this committee the limitations under which we bring this bill to the floor, and that is why this bill is woefully inadequate in terms of meeting the security interests and needs of the United States.

So I make no apology for trying to do something a little different in order to try to get more resources into this area. I think any American concerned with our security would understand why we do it; and I think it is about time that we demonstrate that there are costs, there are costs to the tax action that was just taken in Congress. Those costs mean that we have less money available to make the crucial investments we need in homeland security and, for that matter, also health care, education, science, you name it.

What I am trying to do is to demonstrate what those real trade-offs are,

even though it is apparent that the majority leadership in the House wants to hide those trade-offs from the American people. I think the public has a right to know what services they are going to be denied on the security front because of that tax action.

I thank the gentleman for his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I really did not plan to speak on this bill, but some of my good friends on the minority side from Texas have been up talking about alleged abuse of funding or power in terms of homeland security officials attempting to find some missing State legislators who went down to Austin and then left Austin and went up to Ardmore, Oklahoma, hung out at the Holiday Inn for a couple of days while the Texas legislature was considering a redistricting bill for Congress.

The Inspector General of the homeland security has done an investigation of this allegation and found no substance to it, no merit. As it turns out, the information in terms of the tail number and things like that are available to any citizen in this country who wishes to call the FAA. If they have a tail number, and if that airplane is in the air, FAA will tell a person where that particular airplane is. That is public information unless they have changed the protocol in the last 2 or 3 weeks, and is available to anybody who wishes to try to track where somebody is, that is, if they have the tail number.

What happened down in Austin was that the Texas House was going to move a bill to rectify past gerrymanders of the congressional lines that go back over 30 years, and some of the Democratic State legislators decided that they did not want to be part of it; and under the Texas Constitution, it requires a two-thirds vote to have a quorum. Enough legislators left town on an organized basis, went up to Oklahoma and hung out until the legislature session had ended. Well, that is according to the rules and may be good press, but it is not going to work in the long term because the Governor called a special session that is going to start in a couple of weeks, and the lines are going to be redrawn to verify the voting wishes of the people of Texas, not of some of the political polls in the minority party.

So I just wanted to come over and set the record straight. There has been no abuse of power. There has been no illegal use of funds. There has been nothing like that.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Austin, briefly.

Mr. DOGGETT. Mr. Speaker, is the gentleman aware that the Inspector General of the Department of Homeland Security has not reported on any aspect of whether homeland security resources were used other than the aircraft and has specifically declined to report on which individuals may have asked that homeland security resources be diverted for this purpose? In other words, the investigation is incomplete.

Mr. BARTON of Texas. Mr. Speaker, I appreciate my good friend from Austin raising that question.

My information is that the Inspector General has done an investigation. There is not an issue there. I think some State officials when this, what I would call a "bug out" to Ardmore, the gentleman may have a different term for it, he might call it something differently, but when that happened, the Governor and the Speaker of the House, as is their authority under the Texas law, sought to bring the recalcitrant lawmakers back to the legislature so there would be a quorum; and they touched bases with a number of State and Federal officials, and some of the Federal officials made a couple of phone calls, but there was no abuse of power and nothing illegal that has happened, and this is what the investigation has said.

Again, I am here as a Republican, a Member of the majority party. I have got no problem if in Austin certain legislators do not want to report for a quorum. That is something that we have the authority to do here; and as my colleague knows, the Texas constitution requires a two-thirds membership present if there is a question of the quorum. So we do not have a problem with that, but I think the State officials in Austin had every right to try to find where those legislators went and try to get them back if they could get them back so there would be a quorum, and there is nothing illegal about that, and there is nothing unethical about that, and there is nothing improper about that.

So I just kind of wanted to set the record straight. It may be good political theater, but there is no illegality that has gone on and the Inspector General said that.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 6 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 13 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 15 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, just to complete the record, it is very clear that the office of Inspector General did not explore anything other than one aircraft. They did not explore the other misuse of the response of the Department of Homeland Security; and, second, it is clear that they failed to provide or even pursue evidence on the

question of which Federal officials may have asked for this misappropriation of resources. Finally, to complete the record, history shows that it was Abraham Lincoln who was among the first to use this tactic of defeating a quorum.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH), my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Florida for yielding me this time, and I would rise in support of this rule.

It has been interesting to hear the debate, if we could characterize it as that, thus far. We hear about an internal redistricting dispute within the State of Texas. We have the other friends predictably come to this well and somehow try to trot out the shopworn thesis that the people's economic security at home should be invalidated by command and control spending here in Washington; and undergirding all this, Mr. Speaker, is this simple proposition for the left: it is never enough.

Indeed, if we take the debate and the dispute as it is here and in so many different areas, our same friends who come to us time and again on different issues and would have the American people believe that they are the champions of eliminating the deficit, that they are for fiscal responsibility, when it comes to spending programs, and perhaps this one especially, they begin from the thesis that there is never enough spending, not that the considerable resources that we will bring to bear in this appropriation, billions of dollars, can be utilized in judicious, concentrated fashion to bring about the desired ends. No, no.

Mr. Speaker, the resounding chorus from the left is, it is never enough, with an interesting variation. If one succeeds in America, they are to be singled out for punishment for succeeding, for paying their taxes; we want to reinstitute taxes on them because their economic security or the economic security they provide to workers they hire in small business should be invalidated for the class warfare scenario that states somehow they are unworthy because they succeed.

So my friends will offer an amendment, I suppose, later when we move this on to raise taxes; and I would suggest, Mr. Speaker, to this House and to my colleagues, in so doing, they are denying what is obvious and that is that there is a link between economic security for all Americans and homeland security for all Americans.

Just as we understand the best social program on Earth is a job, we get there not from the command and control of the left who believe the answer is always in bureaucratically driven jobs. We get there by allowing people to use their money to save, spend and invest to create new jobs in the private sector; and yes, we maintain a judicious and concentrated use of funds to protect our homeland and to protect the American people.

□ 1230

But again, Mr. Speaker, remember what the resounding chorus will be from the left: It is never enough. And there are myriad uses for your money over and beyond the saving, spending and investing of same in your family's economic security.

You see, I do not believe, Mr. Speaker, these two goals are mutually exclusive. I believe the American people need to keep more of their hard-earned money to save, spend, and invest, because I believe it will lead to higher employment and economic gains. But I also believe the bill we will consider today stands up for national security, makes a difference for this American Nation, and so I would ask my colleagues to join with me in voting in the affirmative.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish that this debate was simply about making sure that the homeland is secure. I rise in opposition to this rule and associate myself with the words of the ranking member of this committee, the gentleman from Wisconsin (Mr. OBEY).

This is not about stealing hard-earned dollars from taxpayers, it is about providing for the safety of Americans and taking a few thousand dollars from the million-dollar earners that the big tax bust this Republican administration has given, where those making \$1 million will get a whopping \$90,000 check almost, merely taking a few thousand from that paycheck and providing Americans with the kind of security they deserve.

Frankly, Mr. Speaker, while we speak on this floor with two or three Members, Rome burns, terrorists are planning, cells that terrorists have are in the United States, terrorists are walking across the border, and terrorism is much rampant around the United States and around the world. Why? Because this administration is doing nothing about it.

So I come to the floor today to talk about making sure that Homeland Security protects neighborhoods and communities and ports and cities and school districts.

This is not a joke. This is not about a mere political question in the State of Texas where those who did not want to be struck up and hung by the Republican Party used their constitutional rights and left the floor of the House. This is about an OIG report that comes to the United States Congress with all these black marks in it. There is no truth in these reports. They are not telling us the truth. They are hiding the truth. And yet the people on this floor and the people who run these committees refuse to have an investigation to find out what the truth is.

Mr. Speaker, we need an amendment that has been rejected, that simply

tells us to make sure that no homeland security funds can be used for the surveillance powers of the Department of Homeland Security for purposes not related to protecting homeland security. That is all we are asking. I would say that this is a rule that should be rejected.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, with some personal experience, having served 14 years in the Texas Legislature, and having many friends who serve in the Texas House, and having just been elected in the 2000 election, I felt compelled to come to the floor and offer some personal perspective on the, I think, highly improper and blatant partisan attacks that the Democrats are making that have absolutely nothing to do with homeland security.

The Inspector General has already made a report on whatever allegations the Democrats are making. The Inspector General has already determined that everything that was done was properly done. The majority leader's office has said repeatedly, and this is confirmed by the Inspector General's report, that there was no contact between the majority leader's office and the Department of Homeland Security. This is an irrelevant distraction from the core important work that this Congress and the Nation must do in protecting our borders, in preventing people from coming across the border who might pose a threat to the security of this Nation.

The Democrats in Texas who walked off the job in the regular session of the legislature did so in a way that the public in Texas, the people of Texas recognized was improper; that it was wrong for them to walk off. And in fact it is incredible to me that the Democrats who walked off the job did so in a way that completely defied the majority will of the people of Texas.

Since Reconstruction, since 1876, the Democrats have controlled the State of Texas. We just elected a new Republican majority to the Texas House. The Texas Senate is now Republican. Our Governor is Republican. The Federal courts have controlled our prisons for up to 25 years. I led the effort to regain control over our Texas prison system from Federal Judge William Wayne Justice. Our State courts control our school finance system. Federal courts control our mental health hospitals in Texas. And it is entirely proper, in fact it is essential under our constitutional republican form of government that the people control their institutions, that the people control the way their congressional districts are drawn, and a majority of the people of Texas elected a Republican Legislature to pass Republican legislation.

Now, I can attest, as the Republican whip in the Texas House, that I still have tread marks on my back from being run over every day by Ann Richards and Speaker Pete Laney. I always

got right back up and dove into the fighting, fighting the tax increases the Democrats passed repeatedly in Texas, fighting Ann Richards and the Democrats' creation of the first income tax on businesses in Texas. I got right back up after they passed those new tax increases, and I did not give up and walk out. It is a part of the process that you make your best argument in the legislative body, and if you lose, that is majority rule.

I think it is also very instructive that the Democrats chose to walk out to protect their own political hides. They did not walk out to protect some minority group or some special interest group they are so fond of. They walked out to protect their own political hide. It is very revealing for the people of the United States to see that the Democrats choose to pick up this kind of dust, to make this sort of distraction, to walk out and shut down the entire legislative process to protect their own political power, to protect their own political hides rather than to go and walk out or make this big statement in defense of some group or some budget cut that they might have disagreed with.

I think it is entirely appropriate that the Inspector General's report has shown that everything that was done was done so properly. And also, the Speaker of the House has authority in Texas, as the Speaker does here, to place a call in the House and use the law enforcement authority at his disposal to find members, to locate them and bring them back on the job. This House Chamber has been locked down before to keep Members in the Chamber so they would do their job, and it has been done several times in Texas.

In fact, while I was there, the Democrats did walk out once in protest over failure of the legislature to create a pre-kindergarten program, I think in 1991. But again, here they walked out to protect their own political skins. I urge the House to vote against this amendment.

Mr. FROST. I would inquire as to how much time remains, Mr. Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 3¾ minutes remaining and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 5 minutes remaining.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I had no intention of coming to the floor and speaking on this rule. I am a member of the Select Committee on Homeland Security, and I assume there will be plenty of time this afternoon for me to give my appropriate comments. But I have to just say to my colleagues that I am quite frustrated. I am a New Yorker, I am an American, and I lost friends in the

World Trade Center on September 11. What I would like to say to my friends on the other side is, let us move on. Let us not use any more distractions in this process.

We waited a year, a year, to create the Department of Homeland Security because the other body, in its leadership from the Democratic Party, decided a year ago that they would rather play politics than go to the business of the people and go to the business of creating this Department of Homeland Security.

I listened to the esteemed ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), on the floor a little while ago. And I have to say that I have great disagreement on policy, but I appreciate and respect the fact that he is coming to this floor and talking about the substance of this bill and the issue facing the American people on this most critical issue.

Mr. Speaker, I would ask my friends, and implore upon my friends to allow us to move on and let us do the business of the people. That is what leadership is about, and that is what they expect of us.

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

Mr. Speaker, it is unfortunate that Members on the other side of the aisle and their colleagues in Texas sought to misuse Federal resources. Now, the Inspector General said, oh, but it was only 40 minutes, so it is no big deal. I would remind the gentleman on the other side of the aisle that the attack on the World Trade Center occurred in less than 40 minutes, and so Republicans in Texas sought to divert homeland security resources for 40 minutes.

What did they also seek to do? They also contacted the Department of Justice, tried to involve the FBI, tried to involve the U.S. Marshals Service, tried to involve the U.S. Attorney's Office in Texas. This was a blatant misuse of Federal resources, even if it were one minute. But it was not just one minute, and it was not just the Department of Homeland Security. It was other agencies of the Federal Government. They know it. It should never have happened and, hopefully, it will never happen again.

I urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order two very important amendments that were submitted to the Committee on Rules last night and rejected by the Republican majority. Both of these amendments seek to protect the Department of Homeland Security against the type of political abuse it suffered when it ended up helping Texas Republicans hunt down their political rivals in a legislative dispute.

The first amendment, by the gentleman from Texas (Mr. EDWARDS), a member of the Committee on Appropriations, would require the Secretary of the Department of Homeland Security

to implement written procedures for the use of personnel and resources for any nonemergency use of homeland security services; and would prohibit the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement from supporting Federal, State or local law enforcement or humanitarian efforts until that is done.

The second amendment, by the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Department of Homeland Security, would prohibit the Department from using funds for political purposes or for any other purpose not relating to protecting homeland security.

I am confident that all Americans and all Members of this House support this sentiment expressed in these two amendments. So I urge Members on both sides of the aisle to vote "no" on the previous question. Let me emphasize a "no" vote will not stop the House from taking up the Homeland Security appropriations bill. It will not prevent other amendments from being offered under the open rule. However a "yes" vote will preclude the House from considering these two very important amendments that are critical to protecting the Department of Homeland Security's ability to protect Americans against terrorism.

Also, assuming that the previous question passes, there will then be a vote on the rule, and I would urge Members at that point to vote against the rule so that the gentleman from Wisconsin (Mr. OBEY) will have the opportunity to offer his amendment to put money back in this legislation to do the things that should have been done originally.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. FROST. Again, Mr. Speaker, let me emphasize that to protect the Department of Homeland Security against political abuse, vote "no" on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are very proud of the legislation being brought forth today by the Committee on Appropriations. I know that the chairman, the gentleman from Kentucky (Mr. ROGERS), worked long and hard on this bill and deserves commendation by all of us as well as all the other Members that have worked so hard on this legislation.

Mr. Speaker, there are \$29.4 billion in this underlying legislation for the Department of Homeland Security. That includes \$4.4 billion for the Office of

Domestic Preparedness. Now, the resources that the Congress is appropriating for the Office of Domestic Preparedness constitutes an increase of 1,400 percent for that critically important issue since September 11, 2001. The Congress is doing its job.

□ 1245

I think all of us should and I am sure do praise the work of the Subcommittee on Infrastructure and Border Security, that has permitted them to bring forth this legislation. There is a very important initiative of the many new initiatives to protect the Nation that is being funded by this legislation, the Container Security Initiative, so that commerce, trade that we see in all the ports of America, those containers sent from abroad, that they be inspected before they leave the ports that they come from so that the security of the Nation is significantly augmented in that fashion. That Container Security Initiative is funded in this bill.

There are many other reasons why we should pass this legislation. I feel very proud of the underlying legislation and the fact that we are moving forward to increase the security of the American people. I urge support for the underlying legislation and this totally fair, open rule.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 293 RULE ON H.R. 2555: FISCAL YEAR 2004 HOMELAND SECURITY APPROPRIATIONS

At the end of the resolution, add the following:

“SEC. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Member designated. Each amendment may be offered only in the order specified in section 3. The amendments are not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendments referred to in section 2 are as follows:

(1) Amendment by Representative Edward Akin of Texas or a designee:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF PERSONNEL AND RESOURCES OF THE OFFICE OF AIR AND MARINE INTERDICTION

SEC. _____. (a) Congress finds that in May 2003 personnel and resources of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement were utilized in an improper manner to locate legislators of the State of Texas who were not in violation of any Federal, State, or local law, or in need of any emergency humanitarian assistance.

(b) None of the funds made available in this Act may be used to provide personnel or resources of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement to support Federal, State, or local law enforcement or humanitarian efforts until the Secretary of Homeland Security implements written procedures to provide such personnel or resources for such purposes. The limitation of the preceding sentence shall not apply with

respect to the use of funds for a bona fide emergency situation.

(2) Amendment by Representative JACKSON-LEE of Texas or a designee:

At the end of the bill (preceding the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used for political purposes or any other purpose not related to protecting homeland security, including for—

(1) use of the surveillance powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to—

(A) tap personal or business telephones; or
(B) otherwise monitor or record conversations or activity in any home, office, or other location; or

(2) use of the investigative powers of the Department of Homeland Security, for a purpose not related to protecting homeland security, to track automobiles, airplanes, or other modes of transportation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. FROST. 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.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and on the motions to suspend the rules relating to H.R. 923 and H.R. 1460.

The vote on H.R. 1416 will be taken later today.

The vote was taken by electronic device, and there were—yeas 221, nays 196, not voting 17, as follows:

[Roll No. 301]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer

Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English

Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley

Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)

Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)

Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberti
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchee
Hinojosa
Hoefl
Holden
Holt
Honda
Hoolley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch

Majette
Maloney
Markley
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Sanchez, Linda Solis Udall (CO)
 T. Spratt Udall (NM)
 Sanchez, Loretta Stark Van Hollen
 Sanders Stenholm
 Sandlin Strickland
 Schakowsky Stupak
 Schiff Tanner
 Scott (GA) Tauscher
 Scott (VA) Taylor (MS)
 Serrano Thompson (CA)
 Sherman Thompson (MS)
 Skelton Tierney
 Slaughter Towns
 Snyder Turner (TX)

Kennedy (MN) Osborne
 King (IA) Ose
 King (NY) Otter
 Kingston Oxley
 Kirkl Paul
 Kline Pearce
 Knollenberg Pence
 Kolbe Peterson (PA)
 LaHood Petri
 Latham Pickering
 LaTourette Pitts
 Leach Platts
 Lewis (CA) Pombo
 Lewis (KY) Porter
 Linder Portman
 LoBiondo Pryce (OH)
 Lucas (OK) Putnam
 Manzullo Quinn
 McCotter Radanovich
 McCrery Ramstad
 McHugh Regula
 McInnis Rehberg
 McKeon Renzi
 Mica Reynolds
 Miller (FL) Rogers (AL)
 Miller (MI) Rogers (KY)
 Miller, Gary Rogers (MI)
 Moran (KS) Rohrabacher
 Murphy Ros-Lehtinen
 Musgrave Royce
 Myrick Ryan (WI)
 Nethercutt Saxton
 Neugebauer Schrock
 Ney Sensenbrenner
 Northup Sessions
 Norwood Shadegg
 Nunes Shaw
 Nussle Shays

Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Sweeney
 Tancredo
 Tauzin
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Tiahrt
 Tiberi
 Toomey
 Turner (OH)
 Upton
 Vitter
 Walden (OR)
 Walsh
 Wamp
 Weldon (FL)
 Weldon (PA)
 Weller
 Whitfield
 Wilson (NM)
 Wilson (SC)
 Wolf
 Young (AK)
 Young (FL)

Stenholm
 Strickland
 Stupak
 Tanner
 Tauscher
 Taylor (MS)
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Turner (TX)
 Udall (CO)
 Udall (NM)
 Van Hollen
 Velazquez
 Watson
 Watt
 Waxman
 Weiner
 Wexler
 Woolsey
 Wu
 Wynn

NOT VOTING—17

Ackerman Conyers Hulshof
 Boucher Cramer Ryan (KS)
 Brown, Corrine Cubin Smith (WA)
 Brown-Waite, Duncan Visclosky
 Brown-Waite, Feeney Waters
 Ginny Gephardt Wicker
 Carter

NOT VOTING—17

Ackerman Cardoza Hulshof
 Boucher Conyers Matsui
 Brown, Corrine Cramer Ryan (KS)
 Brown-Waite, Cubin Smith (WA)
 Ginny Feeney Waters
 Cannon Gephardt Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1306

Mrs. MCCARTHY of New York and Mrs. CAPPS changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote and the remainder in this series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 220, noes 197, not voting 17, as follows:

[Roll No. 302]

AYES—220

Aderholt Chabot Gilchrist
 Akin Chocola Gillmor
 Bachus Coble Gingrey
 Baker Cole Goode
 Ballenger Collins Goodlatte
 Barrett (SC) Cox Goss
 Bartlett (MD) Crane Granger
 Barton (TX) Crenshaw Graves
 Bass Culberson Green (WI)
 Beauprez Cunningham Greenwood
 Bereuter Davis, Jo Ann Gutknecht
 Biggart Davis, Tom Harris
 Billirakis Deal (GA) Hart
 Bishop (UT) DeLay Hastings (WA)
 Blackburn DeMint Hayes
 Blunt Diaz-Balart, L. Hayworth
 Boehlert Diaz-Balart, M. Hefley
 Boehner Doolittle Hensarling
 Bonilla Dreier Herger
 Bonner Dunn Hobson
 Bono Ehlers Hoekstra
 Boozman Emerson Hostettler
 Bradley (NH) English Houghton
 Brady (TX) Everett Hunter
 Brown (SC) Ferguson Hyde
 Burgess Flake Isakson
 Burns Fletcher Issa
 Burr Foley Istook
 Burton (IN) Forbes Janklow
 Buyer Fossella Jenkins
 Calvert Franks (AZ) Johnson (CT)
 Camp Frelinghuysen Johnson (IL)
 Cannon Gallegly Johnson, Sam
 Cantor Garrett (NJ) Jones (NC)
 Capito Gerlach Keller
 Castle Gibbons Kelly

Abercrombie Frost
 Alexander Gonzalez
 Allen Gordon
 Andrews Green (TX)
 Baca Grijalva
 Baird Gutierrez
 Baldwin Hall
 Ballance Harman
 Becerra Hastings (FL)
 Bell Hill
 Berkley Hinchey
 Berman Hinojosa
 Berry Hoeffel
 Bishop (GA) Holden
 Bishop (NY) Holt
 Blumenauer Honda
 Boswell Hooley (OR)
 Boyd Hoyer
 Brady (PA) Inslee
 Brown (OH) Israel
 Capps Jackson (IL)
 Capuano Jackson-Lee
 Cardin (TX)
 Cardoza Jefferson
 Carson (IN) John
 Carson (OK) Johnson, E. B.
 Case Jones (OH)
 Clay Kanjorski
 Clyburn Kaptur
 Cooper Kennedy (RI)
 Costello Kildee
 Crowley Kilpatrick
 Cummings Kind
 Davis (AL) Kleczka
 Davis (CA) Kucinich
 Davis (FL) Lampson
 Davis (IL) Langevin
 Davis (TN) Lantos
 DeFazio Larsen (WA)
 DeGette Larson (CT)
 Delahunt Lee
 DeLauro Levin
 Deutsch Lewis (GA)
 Dicks Lipinski
 Dingell Lofgren
 Doggett Lowey
 Dooley (CA) Lucas (KY)
 Doyle Lynch
 Edwards Majette
 Emanuel Maloney
 Engel Markey
 Eshoo Marshall
 Etheridge Matheson
 Evans Matsui
 Farr McCarthy (MO)
 Fattah McCarthy (NY)
 Filner McCollum
 Ford McDermott
 Frank (MA) McGovern

McIntyre
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Michaud
 Millender-
 McDonald
 Miller (NC)
 Miller, George
 Mollohan
 Moore
 Moran (VA)
 Murtha
 Nadler
 Napolitano
 Neal (MA)
 Oberstar
 Obey
 Olver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor
 Payne
 Pelosi
 Peterson (MN)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Reyes
 Rodriguez
 Ross
 Rothman
 Roybal-Allard
 Ruppertsberger
 Rush
 Ryan (OH)
 Sabo
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Sandlin
 Schakowsky
 Schiff
 Scott (GA)
 Scott (VA)
 Serrano
 Sherman
 Skelton
 Slaughter
 Snyder
 Solis
 Spratt
 Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1313

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.

PERSONAL EXPLANATION

Mr. WICKER. Mr. Speaker, on rollcall Nos. 301 and 302 I was inadvertently detained. Had I been present, I would have voted “yea.”

PREMIER CERTIFIED LENDERS PROGRAM IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 923, 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 Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 923, 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 416, nays 3, not voting 15, as follows:

[Roll No. 303]

YEAS—416

Abercrombie Blumenauer Carson (OK)
 Aderholt Blunt Carter
 Akin Boehlert Case
 Alexander Boehner Castle
 Allen Bonilla Chabot
 Andrews Bonner Chocola
 Baca Bono Clay
 Bachus Boozman Clyburn
 Baird Boswell Coble
 Baker Boucher Cole
 Baldwin Boyd Collins
 Ballance Bradley (NH) Cooper
 Ballenger Brady (PA) Costello
 Barrett (SC) Brady (TX) Cox
 Bartlett (MD) Brown (OH) Crane
 Barton (TX) Brown (SC) Crenshaw
 Bass Burgess Crowley
 Beauprez Burns Culberson
 Becerra Burr Cummings
 Bell Buyer Cunningham
 Bereuter Calvert Davis (AL)
 Berkley Camp Davis (CA)
 Berman Cannon Davis (FL)
 Berry Cantor Davis (IL)
 Biggart Capito Davis (TN)
 Bilirakis Capps Davis, Jo Ann
 Bishop (GA) Capuano Davis, Tom
 Bishop (NY) Cardin Deal (GA)
 Bishop (UT) Cardoza DeFazio
 Blackburn Carson (IN) DeGette