

park in the country would have gotten an 8 percent increase. We are talking about \$45 million in the operating account would have done that. Each park would have gotten an 8 percent increase.

So this is the one major thing that upsets me in this bill. Yes, we do not have money in here for land and water conservation, which I regret. I regret the lack of funding on the conservation amendment. But the thing we tried to do is protect our core agencies, the Park Service, the Forest Service, the Bureau of Land Management, the Department of Interior, the Fish and Wildlife Service. And yet they have these same problems.

One very good thing that we did in this bill was to deal with firefighting in a much better way. There is money in here, \$500 million in 2004. When this bill is signed, it would be immediately available for the firefighting season. Another \$500 million for 2005, \$500 million for 2004, and I think a \$167 million increase in the bill for firefighting itself. So we are trying to face up to that reality. We have got a drought out in the West. This is going to be a very serious problem.

We are also working, of course, on other important issues. In my own area, Hood Canal, we are working with the USGS on dealing with this oxygenation problem. We have a problem with too much nitrogen in the saltwater, which is having a devastating effect on all the fish and creatures there, and we have got to deal with this problem; and the USGS, which is part of this bill, is helping in that respect, and it is a very important priority of mine.

We are also working on the restoration of salmon runs, and we are doing a new process of mass marking with these fish so we can tell the wild fish from the hatchery fish. It is another important priority in our State. So overall, I think this bill, even though it is very deficient, below last year's level in terms of overall funding, below the President's budget request, we have tried to fund the things that are most crucially important; and I intend to vote for this bill on final passage. I hope we can improve it with several of the amendments that will be offered today.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her leadership dealing with the critical issues of arts funding and for the National Endowment for the Humanities.

I look forward later today to being part of debate, and I hope amendment approval that will move us back in the direction that we need to go. But I too am a little frustrated in the context of billions of dollars that we are hemorrhaging with red ink where we seem to be able to find all sorts of resources for things that are suboptimal in some

cases, to say the least, but certainly not the highest of priorities, that we are scrambling here for less than \$14 million that has such a vital connection to our communities.

I would hope that as our Members come to the floor to deal with the debate on this amendment and the final vote that they have a chance to look back at the records in their own offices of the dedicated men and women who are part of the arts councils, who are part of the local councils for the humanities. To consider the incredible mileage that is extracted from a few small dollars that benefit primarily the rural and outlying areas of our State, not necessarily the large cities like Seattle, New York City or even Portland, Oregon. Larger cities have a higher level of programming. It is the smaller communities that benefit. It is a tragedy that we are not meeting even what the President had requested.

I also am pleased to follow my good friend from Washington who has worked so hard for so many years to keep our eye on the ball on the investment we need for critical parks infrastructure. Our national parks are part of the infrastructure every bit as much as our highways and our airports. I appreciated what he did with the gentleman from Ohio (Mr. REGULA) fighting in tough difficult budget times. I am hopeful that we will be able to honor the hard work here to see if there is something in the course of the amendment process and as the budget is working its way through the process here this year that we not turn our back on America's treasures.

Last, but by no means least, I must acknowledge the hard work that the gentleman from Washington (Mr. DICKS) did with the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Alaska (Mr. YOUNG), to deal with the land and water conservation fund. This has been an area that had been ignored for decades. It had been, frankly, a bipartisan shame that we did not fully fund the land and water conservation fund. These were resources that have such an important impact on States and localities. We reached a deal, as the "little CARA" was set aside. We have an opportunity to keep faith with the spirit of that agreement, and I am hopeful in the course of the budget process that we are able to do so.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's comments on the conservation amendment, but I also want to underline one other thing he said that I forgot to say, and that is that the President's budget requested an \$18 million increase for the National Endowment for the Arts and for the National Endowment for the Humanities, and neither one of those has been accomplished. I think we have increased

Humanities by \$3 million, but this is below the President's budget request; and Mrs. Bush, who I think is a very thoughtful first lady, has been a proponent of these two increases. So I was somewhat surprised that it was decided to take out the money for these important programs, especially since they were requested by the first lady.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's underlining that.

And I would just conclude by saying that I hope in the spirit of bipartisan accommodation that has accompanied much of the work with the arts, with the parks infrastructure, and with CARA that we are able to give our affirmative vote to preserving the integrity of them in the course of this budget process.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

*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. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, 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 clause 2 of rule XXI are waived except as follows: the proviso under the heading "United States Visitor and Immigrant Status Indicator

Technology"; the proviso under the heading "Customs and Border Protection, Automation Modernization"; the proviso under the heading "Immigration and Customs Enforcement, Automation Modernization"; the final proviso under the heading "Transportation Security Administration, Aviation Security"; the words "notwithstanding any other provision of law" under the heading "State and Local Programs"; the second proviso under the heading "National Pre-Disaster Mitigation Fund"; section 512; the final proviso in section 513; sections 514, 515, 519, and 520; all after the word "met" in section 524; section 525, and subsection 526(b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. 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 recommit with or without instructions.

□ 1345

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose 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 675 is an open rule that provides for the consideration of H.R. 4567, the Fiscal Year 2005 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I would like to take a moment to reiterate that we bring this rule forward under a fair and open rule. Appropriations legislation has historically been brought forth with open rules, and we continue to do so in order to allow each and every Member the opportunity to submit their amendments for consideration, as long as they are germane under the rules of this House.

Nearly one year ago, Mr. Speaker, I stood on this floor and proudly brought forward a rule for the very first Homeland Security Appropriations bill. We have accomplished so much in that one

year to protect our homeland and further establish this important department. We continue that work in coordination with the underlying legislation.

In my remarks last year, I spoke about our ability to fund first-responders and ensure that they are always equipped on a State and local level to protect the Nation. This year, we provide \$4.1 billion for first-responders, including high threat areas, firefighters and emergency management. This brings the total appropriated by Congress for first-responders since September 11, 2001, to \$26.7 billion.

I also indicated last year the productive start to the Container Security Initiative. I am proud to report that in the underlying bill we have more than doubled funding to \$126 million. That is as part of this increase in funding, the United States will be expanding this initiative throughout the world to stop terrorism before it reaches our shores. As a Member from a district whose daily well-being, including our economy, depends on large ports, I continue to strongly endorse this program.

While continuing important programs, this legislation begins new efforts to strengthen homeland defense. It is well-known that the Coast Guard must receive funding to upgrade its infrastructure while addressing emerging challenges. The underlying legislation provides \$679 to the Deepwater Program, designed to allow capital acquisition for the future strength of the Coast Guard, on the frontline of homeland defense.

The Coast Guard Integrated Support Command in Miami is essential to the safety and security of residents. The Coast Guard in south Florida coordinates regional plans aimed at hurricane safety, recreational boater safety, and, most importantly, protection of our coastline from terrorism and drug trafficking.

While I am extremely pleased with the end result we have before us today, I also believe in the future we have to somehow find additional funding for the In-Line Explosive Device Security, or EDS. The legislation before us includes \$269 million for the project, a good start, but the Federal cost share for this important technology at Miami International Airport alone, which is in my Congressional district, will top \$200 million.

In-line systems will allow for more screeners to be redeployed at passenger checkpoints. In-line EDS systems increase efficiencies and reduce costs associated with baggage screening. This next generation of security technology for our Nation's airports will yield great results.

H.R. 4567 is a good bill, Mr. Speaker. It is a testament to our changing world that Congress is able to respond to security concerns abroad while ensuring that the homeland remains secure. The first responsibility of government is to protect its citizenry, and we are able to respond with priority funding for this important Department of Homeland Security.

We bring this legislation forth under a fair and open rule, as I have stated before, and I would like to reiterate.

I would like to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their extraordinary leadership on this very important issue. I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, much is being said about how tight fiscal restraints are this year. We know that is so, but it is not an excuse for our current budget constraints. Just a few years ago, the Federal Government had a budget surplus of \$3 trillion. Today, the government is facing historic deficits upward of \$7 trillion. Bad fiscal policy has hamstrung the Federal Government's abilities to invest the sums necessary to protect the Nation from terrorism. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the "Oracle of Omaha," Warren Buffett, has said owe the most to the country and pay far too little.

It is good for the Nation that overall funding for the Department of Homeland Security has increased. However, the increase is not enough. The cost of securing the Nation is high, but throwing dollars at the threat is not the solution. We must spend homeland security funds wisely, and all homeland security activities must be coordinated within the department itself and with State and local governments.

But well into its second year, the department is still underachieving. Several years into our own war on terrorism, the department has not developed a comprehensive threat vulnerability assessment. How can we protect the people of this country when we act blindly without this basic information necessary to develop and implement a comprehensive homeland security plan?

Recent reports have shown that airports are not any safer despite the creation of Transportation Security Administration. There is no coordination of homeland security functions along the southern or along the northern border.

I represent the second busiest gateway between the United States and Canada, and the need to increase the resources along the over 4,000-mile border between the U.S. and Canada is great. For years, little attention was paid to our northern border. But if we are to maintain the \$1 billion a day trade between the United States and

Canada while maintaining U.S. safety and security, we have to provide the resources to do it. We must create a northern border coordinator to ensure our dollars are invested prudently and that Federal, State and local authorities are working together.

I am extremely troubled by the \$300 million cut to funding for our first-responders, the people on the ground valiantly protecting our communities with too few resources and lots of overtime. How can we justify cutting funding for police officers, firefighters and EMTs, who are the first people on the scene to respond to a terrorist attack? Money has been awarded to States and localities, but the process is so cumbersome and lengthy that local governments have difficulty actually spending the first-responder grant money.

It is also imperative that we take threat, vulnerability, and strategic importance into account when we allocate the first-responder dollars. High threat areas with high population densities certainly deserve attention and dollars. Areas of strategic importance need and deserve Federal assistance. And, as I mentioned, the border crossings at Buffalo and Niagara Falls are the second busiest portals between the United States and Canada. This entry port is tactically important to the security of the United States. Terrorists could use this entrance to gain access to the country or use the bridges as a means to slip weapons into the country. Western New York's strategic position and role are vital to national safety. Such areas need the resources to secure the northern border without disrupting the important commerce between the United States and Canada.

Mr. Speaker, another issue that greatly bothers me, and is an insult to every taxpayer in this country, are the corporate expatriates, American companies that incorporate abroad in order to skip out on their tax obligations to this country. These corporations earn millions of dollars from the Federal Government. According to the General Accounting Office, corporate expatriates cost this country an estimated \$5 billion in lost tax dollars, and yet they continue to receive \$2.7 billion in government contracts. That is a disgrace.

Accenture, the scion of Arthur Andersen of infamous Enron fame, recently received a \$10 billion contract to build a foreign traveler tracking system known as US-VISIT. During committee consideration of the homeland security appropriations, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) offered an amendment to ensure that companies incorporated outside the United States for tax purposes could not enter into contracts with the Department of Homeland Security. It makes sense. The DeLauro-Berry amendment would void the Accenture contract by barring any contracts with corporate expatriates before, on or after the date of enactment.

H. Res. 675 protects the first part of the DeLauro-Berry amendment, which will probably disappear in conference, but it specifically refuses to protect the second provision in the amendment that would invalidate the \$10 billion contract with Accenture.

Bloomberg News reported that Accenture posted increases in American earnings from \$247.3 billion in 2002 to \$566.9 billion in 2003, doubled in one year, while the company reduced its tax liability to \$143 million from \$382 million. During that same time period, Federal procurement records show that in 2002 Accenture benefited from Federal contracts worth \$450 million, of which \$250 million were related to military or homeland security functions, another disgrace.

At this time, when unemployment levels have remained consistent since December 2003, it is important that we as public servants and as agents of the Federal Government do everything we can to keep jobs in this country. We should not reward companies that incorporate outside the United States in order to avoid Federal taxes.

Think of the advantage it gives them in bidding against American companies. Expatriate corporations like Accenture have a huge structural advantage over companies that stay in America, employ Americans and pay their fair share of taxes. It is our duty to support the American companies. Giving the largest contract yet awarded by the Department of Homeland Security to an expatriate company contradicts the principles and ideals that I was sent here to uphold.

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

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. Last night the Committee on Rules issued a rule that even experts in this House on House rules could not initially decipher. On the one hand, they finally acted to close loopholes in the Homeland Security Act which allowed corporate expatriates to continue to receive government contracts, after the House voted 318 to 100 in July 2002 to prohibit those contracts. But, on the other hand, and it seems there is always another hand these days, they specifically left open a provision that would have prevented just such a contract from going through.

Under this rule, it is almost certain that Accenture will be able to retain a massive \$10 billion contract with the Homeland Security Department. This runs directly counter to the will of the Committee on Appropriations. Last week, on a strong bipartisan vote of 35 to 17, the Committee on Appropriations voted in favor of an amendment which I offered along with the gentleman

from Arkansas (Mr. BERRY) to close loopholes in the Homeland Security Corporate Expatriate Contracting Ban and to stop the department from moving forward on this \$10 billion contract to Accenture.

□ 1400

This is a company which reported that its American earnings increased by over \$319 million in 2003 while, at the same time, its U.S. tax liability decreased by \$239 million. Yet, today, the Republican leadership is hiding behind technicalities to reward a company which has shunned its American citizenship in order to reduce their tax liability. It is wrong. It is shameful. You ask any American worker or a responsible corporation that pays their taxes, and yet they go overseas so that they will not have to pay their taxes, and whether they are a Democrat or a Republican, they will tell you that going offshore, not to pay your taxes and coming back for a \$10 billion contract from the Federal Government, it is an outrage.

This company set up a shell corporation overseas and put two tax-paying American companies, companies which employ thousands of Americans in many of our districts, at a competitive disadvantage. This sends a terrible message to every good corporate citizen in America. We cannot afford to reward companies who shun American citizenship at the expense of loyal American businesses and contractors. It offends our values as Americans.

Mr. Speaker, I urge my colleagues to oppose this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise to oppose this rule for a very simple reason: my citizenship in the United States of America is not for sale.

In the State of Arkansas, when they began to call up the National Guard and Reserves to serve, they went willingly. They are still there. They are doing their job. In Arkansas, we have some really wonderful companies. One of those companies is Wal-Mart. What Wal-Mart did was this: they said the employees that we have that are in the National Guard and Reserves that are going to have to take a pay cut to serve, we are going to make up the difference. We are going to give them out of our pockets that money, and they did. And those men and women in uniform today who are on the battlefield are having to pay taxes on that generous contribution that Wal-Mart is making to them.

That is an honorable and proper thing to do.

But now, we have the Committee on Rules determined to make it possible for a company of questionable reputation at best, called Accenture, that chose to renounce their American citizenship and renounce any obligation

that they might have to our men and women on the battlefield and say to the whole world, money is the most important thing to us. That is what we care about, money. We will give up our American citizenship. That is what they said, and that is what they did.

But this rule makes it possible for them to get by with it and get a \$10 billion contract from the Department of Homeland Security. I cannot imagine why in the world the Department ever agreed to give them that contract in the first place. It is absolutely irresponsible. I do not understand why the leadership on the Republican side decided to take this out of the bill. I do not understand that. I know that people work hard to develop a good Department of Homeland Security bill, and the American people deserve better, and if we allow this company to thumb their nose at being an American and turn around and give them a \$10 billion contract paid for by hard-working Americans that pay their taxes and do not complain about it, we have done the wrong thing.

I urge this House to reject this rule and have the Committee on Rules come back to us with a good rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, two companies decide to compete for a government contract. This happens, in fact, with dozens of companies, hundreds of companies all over America seeking different government contracts and wanting business that is funded by the taxpayers. Of these two companies, however, one of them has chosen to denounce its American citizenship when it is time to pay its taxes, by moving overseas and declaring that it is a company organized in Hamilton, Bermuda.

The other company is an American company, not only when it comes time to put their hand out to get a government contract, but also when it comes time to put their hand out to pay the taxes that they earned on their American business.

Now, which one of those companies has the competitive advantage? The one that stayed home and was patriotic to America, or the one that dodged its taxes and has lower overhead because it has lower taxes? I think the answer is rather obvious.

Yet this Republican leadership has defended a practice that encourages corporations to dodge their taxes and to head off to Bermuda or Barbados or somewhere else. Then, to add insult to injury, the same tax-dodging corporation that wants the protection of American troops when it comes to national security, and of our law enforcement here at home when it comes to homeland security, these same corporations that have dodged their fair share of our homeland security and national security expenses, recognizing the permissiveness of this House Republican leadership and of the Bush administration, come back to the Amer-

ican taxpayer and say, not only do we not want to pay our fair share of the taxes; we also want your share of the taxes. We want government business. We want what other taxpayers, including our competitors, have paid for; we want their tax monies so we can earn more money that we can dodge taxes on while we are staying in Bermuda.

Mr. Speaker, I oppose this rule, because that is exactly what the Committee on Rules, with the encouragement of the Committee on Homeland Security, has approved. It gives the competitive advantage to the corporation that dodges its taxes.

Just the night before last in the Committee on Ways and Means, we heard an official from the Treasury Department again oppose corporate expatriation proposals that have been approved in the other body with wide bipartisan support, because they really do not want to stop this trend of these corporations dodging their responsibilities by going to Bermuda.

Now, with Accenture, the accent has been on tax avoidance. They have now been awarded a \$10 billion contract that a bipartisan vote in the full House Appropriations Committee would have put a stop to. But the House Republican leadership, with its typical permissive attitude, has blessed that.

So now Accenture, ahead of the pack, will get \$10 billion in a government contract while it avoids taxes.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

(Mr. OBEY asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. OBEY. Mr. Speaker, we have now gone about 1,000 days since the attack on this country on 9/11, and this bill is supposed to deal with our efforts to protect the homeland. I think that to evaluate how good those efforts are, we need to compare the challenges with the resources that we are applying to meet those challenges. And if we do, I think there will be no doubt that we are mistakenly trying to do this job on the cheap.

Let me give my colleagues some examples of inadequacies in this appropriations bill.

Air cargo. Air cargo is a huge threat to the safety of the flying public. If the public understood what a tiny percentage of cargo that is shipped on passenger planes is actually inspected, they would be shocked. It is a tiny percentage. We ought to do something about that. This bill prevents us from doing that.

The gentleman from Florida discussed correctly the need for more inline explosive detection devices at airports. We wanted to try to do that in the bill; but, again, we are precluded from doing that by the budget ceiling. The chairman of the committee himself has indicated how important that

is. Yet we are not going to be able to make any significant advances on that front under this bill.

If we take a look at the problem that we have with military pilots being able to communicate with commercial pilots, if you have a terrorist incident or a potential terrorist incident and a military aircraft is trying to track a civilian aircraft, it would be kind of nice if those two pilots could talk directly to each other and to the ground. But right now, we do not have the software system in place that will enable that to happen. That is a dumb omission.

We also have some problems with respect to ports.

Now, the new idea in protecting our ports is to establish inspectors at foreign ports so that they can review what goes into those cargo container boxes before they ever leave that port on their way to the United States. But we have a big problem. There are only 20 ports out of the 45 major ports that we need to cover where we have that kind of inspection activity going on; we have none going on in China, and China imports three times as much through cargo shipping as does Hong Kong, for instance.

Worse yet, the inspectors on the job in those foreign ports are assigned temporary duty for about 6 months apiece. They cannot get to know the territory; they cannot get to know the people they work with in those ports during that time. They should be long-term assignments, but we do not have the money in the bill to do that.

The northern border. The PATRIOT Act, with all of its problems, the PATRIOT Act required that we have a specific number of inspectors on the northern border. We are 2,000 short of the number that was supposedly guaranteed by the PATRIOT Act. First responders, those are the policemen, the firemen who deal with the incidents where they occur in the local community, on the ground, we have been told by the Rudman-Hart Commission that there is about \$90 billion worth of need that we need to address. We have only met about 15 percent of that need.

We have fewer firefighters in this country today than we had on 9/11. Do you call that progress?

And then, we have the massive problems in the Homeland Security Agency. Of the 500 career slots in that agency, or roughly 500 career slots, 171 of them are vacant. Twenty-five percent of the slots in that agency are filled by political appointees. Is it any wonder that there is considerable chaos?

More than a year after the reorganization, that agency still does not have a phone directory. I was talking to a fellow 2 days ago who was trying to talk to the Homeland Security Agency about getting a contract, to meet a need that they were advertising; he did not even know who to call or how to find out because they do not have a phone directory.

□ 1415

It does not make a lot of sense.

General Zinni has made the point that when it comes to dealing with this terrorist threat that we have a lot of tactical activities going on but not very many strategic. I just think we need to face the fact this bill is not adequate.

And then, as has already been mentioned by several other Members, it has this weird feature which allows the Homeland Security Agency to give a contract that would be valued up to \$10 billion to a company for the purpose of tracking who crosses our borders, they want to give that contract to a company that has already jumped our borders and decided they will locate for tax purposes in Bermuda. That means they duck their taxes, and your constituents and mine get the privilege of making up the difference.

Great deal. Great deal. That is why I would urge every Member of this House to vote against the previous question on the rule so we can offer amendments to correct these problems and to vote against the rule if we cannot bring down the previous question.

Mr. Speaker, I am inserting in the RECORD at this point the text of the comments I made in the report accompanying the Homeland Security Appropriation bill made in order by this rule.

#### ADDITIONAL VIEWS OF DAVID OBEY

It has been a thousand days since al Qaeda launched its first successful attack within U.S. borders. Since that time many changes have taken place inside our country and in the way we deal with other nations around the world. Most of those changes have been justified as steps that were necessary to insure that nothing like September 11th ever happens again. But how much progress have we really made? How far have we come in reducing the likelihood that it will happen again?

One thousand days has often been viewed as a period of time for communities and even whole nations to stop and take stock. What have we done right? What have we done wrong? What are our largest remaining areas of vulnerability? What are our prospects of getting hit again?

I think our efforts to prevent future terrorist attacks can be divided into three stages. The first step was to hit al Qaeda and hit them hard. Take the battle to them. Destroy their leadership; their ability to communicate; their ability to raise and transfer funds; their ability to obtain weapons and to move members between countries and most importantly, their capacity to organize attacks against the United States.

The second step was to understand the factors in the Arab and Muslim worlds that feed this kind of senseless anger and why that anger has been directed toward the United States. Why did so many ordinary people in the Muslim world cheer on September 11th and what does it take to reduce or at least redirect the anger that is now so focused on us.

Thirdly, what are we doing to upgrade our defenses here at home? What goals have we set? Do they make sense? How well have we performed in reaching those goals?

#### ATTACK AGAINST AL QAEDA

With respect to the first goal, I think the United States has for the most part performed well particularly if we look at the early stages of our effort and if we view al Qaeda as an organization, rather than an idea or a cause. The organization's leader-

ship has been significantly diminished. While a number of its most senior leaders have survived, the best evidence indicates that they have grave difficulty communicating with others in the organization or playing any kind of day-to-day leadership role. Significant numbers of lesser figures in the organization are still at large and they are very dangerous. But they face much greater challenges moving about the world, receiving the training necessary to successfully execute large scale attacks and getting the materials and support necessary to launch such attacks.

The initial phases of our attack against al Qaeda were highly successful. The planning and execution of the overthrow of the Taliban in Afghanistan was a high-water mark in our efforts against terrorism. The initial cooperation that we received in the wake of September 11th—from our traditional allies in Europe and also from nations across the globe that have at times been less than friendly to U.S. interests was also impressive.

#### LOSING FOCUS IN AFGHANISTAN

But somehow, we lost our focus. Having destroyed the Taliban's capability to rule Afghanistan we did not move aggressively to insure that the government that we support in its stead could fill the void. We did not invest anything like the level of resources for Afghanistan that was needed to make rapid, noticeable changes in the quality of life. Because of that, in a large portion of the country, we did not have the leverage to strengthen the hand of central government, extend the rule of law, and deny terrorists safe haven. We also did not sufficiently exert our influence to insure that the Afghan army that we were attempting to build was representative enough of the various ethnic and tribal groups across the country to become a credible force for stability and unification.

But the attack on al Qaeda began to lose steam outside of Afghanistan as well. Talented intelligence operatives with highly specialized knowledge of Arab culture, language and political behavior were diverted from the listening posts and operations centers across the Arab world where al Qaeda activity was most likely to surface to undertake a quite different mission. Financial resources, talented administrators and trainers who might have helped our allies in the Arab world improve their own military and intelligence capabilities against indigenous terrorist organizations were also diverted. The striking momentum that characterized the early phases of our efforts against Al Qaeda has greatly dissipated. The organization has lost much of its backbone, but many of its pieces are still out there attempting to reorganize and regenerate the segments that have been lost. We no longer have the focus to our effort to insure that that does not happen.

Still, you would have to say that our efforts against al Qaeda have been a success—at least if al Qaeda is viewed simply as an organization. The problem is that al Qaeda is as much an idea as it is an organization and ideas are hard to kill. Bullets can kill organizations—they sometimes only strengthen ideas.

As General Anthony Zinni said recently in a lecture before the Center for Strategic and International Studies, while we may be winning the war on terrorism on a tactical level, on the strategic level we don't appear to even have a plan.

Osama bin Laden never intended al Qaeda to be the command structure for the jihad against the United States. The term "al Qaeda" means simply, "the base." Bin Laden wanted to create a network to support and encourage jihad. He wanted to attack and

overthrow the Arab governments around the world that he viewed as corrupt and out of sync with his views on the teachings of the Koran and he wanted to attack the foreign power that stood behind most of those governments—the United States. Bin Laden's challenge was to create a blueprint that could be used for such attacks and to inspire large numbers of disgruntled members of the Arab and Muslim world to follow that blueprint. He wanted to create a movement that represented more than a small army of terrorists—a movement that could bring down moderate Arab governments and, with the overwhelming support of Arab peoples, drive the United States from the Middle East.

#### AMERICAN IMAGE IN ARAB WORLD

While bin Laden has suffered huge organizational setbacks over the past thousand days, he has been enormously successful in progress made toward his one strategic objective. He has captured the attention of the Arab world and much of the Muslim world. To a remarkable degree he has even won their sympathies, and in some instances, their commitment. If we wish to reverse that, we must begin to think strategically as well as tactically. We must succeed in our efforts to take the second step, to reshape the image of the United States in the Arab and Muslim worlds. We must not only strengthen the determination of our friends in the region to resist terrorism but also encourage them to address the underlying problems that feed it. Even for many of the brightest and most industrious young people in many Arab countries, hope is in short supply. While the energy resources of the region have brought great wealth to a few, a chance has largely been missed for many governments to use those resources to build opportunity economies.

How we change our image in the Arab world and what policies we should pursue to accomplish it is an issue that will spark debate and some division in this country. That debate needs to begin and it is the responsibility of leaders in both the executive and legislative branches to begin it.

#### UPGRADING OUR DEFENSES AT HOME

Given how poorly we have done over the past thousand days in stemming the anti-American passions in the Middle East, it is even more important that we do a good job in the third step required for a successful strategy: upgrading our defenses here at home.

In evaluating our performance on that front, it is important that we distinguish motion from movement. I am afraid that in many respects we have had more activity than we have had progress.

On September 11th, we had more than 130 agencies and activities of the federal government engaged in some aspect of homeland security. Those pieces of the bureaucracy were spread across most of the Departments of the federal government. There was no central capacity to oversee or monitor how well they worked together. Many of these agencies had only a fraction of the resources necessary to accomplish the security tasks that experts in the field believed could prevent future attacks.

So, after a thousand days, what has changed?

#### HOMELAND SECURITY ON THE CHEAP

Well, we are certainly spending more money. The government is spending about \$5 billion a year more just on airport baggage and passenger screening. We have expanded the size of the customs service and the immigration service. We have bought new equipment in our ports to screen cargo coming into the United States from international shipping and we have had a significant

growth in law enforcement activities. But if you compare the challenge we face with the resources we are using to meet those challenges, it is clear we are trying to do this on the cheap. We are like someone with a good paying job who must get to work on time every day in order to keep that job. But instead of building the most reliable car he can find, he gets a fifteen year old model—one that will get him there most of the time but will eventually cost him his good paying job.

Failure in establishing our defenses against terrorism places lives at risk. It also puts at risk our capacity as a society to generate wealth. Although the greatest loss would most certainly be measured in human life, penny pinching on necessary security is foolhardy from a simple economic perspective.

#### THIS LEGISLATION CONTINUES FUNDING FAILURES

Many in government, including the President and the Attorney General, have warned that we are likely to be attacked by terrorists on our homeland within the next nine months. Given this information, you would think that we would be doing everything humanly possible to improve the security of our homeland. The legislation accompanying this report is the prime vehicle to provide the resources to do that. Unfortunately, it represents a stark failure to improve protection of our citizens in any meaningful way against the wide-ranging scope of the threat facing us today.

The fact is that we are not doing all we can to protect Americans from another terrorist attack. The legislation accompanying this report provides an increase of \$2.8 billion or 9.4 percent over the previous year. Yet excluding Project Bioshield and user fees, the bill is only \$1.1 billion or 5 percent above the previous year. Despite the Department's huge security responsibilities, this is only slightly above inflation.

This legislation provides a resource level equal to only slightly more than inflation for our customs and border protection and enforcement operations and for port security. Worse, this legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by \$327 million or seven percent from 2004.

#### OMB'S HOMELAND SECURITY SPENDING ANALYSIS

OMB has prepared an analysis of homeland security spending which is seriously flawed. Programs that were not counted as homeland security a few years ago have now suddenly been shifted into the homeland security category in order to convey the impression of a greater increase in effort than has actually taken place. Nonetheless, the OMB exercise is instructive for getting a big picture sense of what we are doing to address critical security issues. In total, OMB argues that we have gone from spending \$20 billion a year—or about two tenths of one percent of GDP in fiscal 2000—to \$46 billion a year, or less than four-tenths of one percent today. That means that, even based on OMB accounting, our increase in homeland security spending has been less than two tenths of one percent. To provide some perspective on that number, the share of GDP paid in federal taxes has dropped from 20.8% to 16.4% during that same period—a decline of 4.4% or twenty two times the size of the increase in spending to protect against terrorism.

Another perspective on the level of effort we have made thus far is the oft-used analogy of Pearl Harbor. Pearl Harbor led us to the creation of the concept of Gross Domestic Product. The Roosevelt Administration believed that it might require 50% of our total output to take on the Germans and the

Japanese simultaneously. They asked the Commerce Department to develop a method of measuring national output. They not only produced the concept that is now used around the world to measure economic activity, but they were also actually able to reach that goal of spending nearly half of the nation's output on the war effort.

We do not need to put 50% of our output into this war or even 5%. Whether you think that our war effort in Iraq is associated with the war on terror or is a separate and competing activity, expenditures related to that activity account for more than 1% of GDP—more than twice as much as we are spending on activities directly related to protecting the homeland. Given that fact, it is blatantly ridiculous to pretend that we cannot afford what we need to protect against terrorist attacks.

Another major attack could erase a trillion or two trillion dollars from the total valuation of the New York Stock Exchange. It could substantially slow the pace of economic growth for a year or more. Again, the most important consequence of a terrorist attack is the loss of human life, but penny pinching on homeland security makes no sense. Even if we consider only the economics of the issue, the Institute for the Analysis of Global Security found that the cost of the 9/11 attack was nearly 2 trillion dollars, including the loss in stock market wealth, lower corporate profits and higher discount rates for economic volatility.

Now it should be noted that the Administration's FY 2005 budget attempts to make a case that in future years we can reduce the size of federal deficits from the current record levels and still afford additional tax cuts. In making that case their projections for future year spending levels in various categories of the budget are revealing. Homeland Security spending is essentially locked into place at current levels. In fact, what OMB is telling us is that unless the American people or the Congress force a change in priorities, what we have now for securing the nation is all that we are going to get and could decline by as much as \$900 million.

But the question we should be asking is: Are we really doing enough? Are there things that we really ought to be doing that the resource levels we have allocated to the problem prevent us from doing?

#### AVIATION SECURITY GAPS REMAIN

One lesson from September 11th that virtually no one could miss is the need to secure our airlines and our airways. We have spent considerably more on this objective than on any area of homeland security. But there are a surprising number of resource issues still unaddressed with respect to protecting our airways.

For example, we still do not have an effective system of explosive detection. Put more directly, it is still much too easy to get explosive materials onto passenger airlines.

The Transportation Security Administration has identified equipment that could have provided us with that capability. It's expensive, (it would have cost close to \$3 billion to install the equipment nationwide) but it would have dramatically improved our capacity to detect explosive materials. It also would have significantly reduced the number of screeners required in airports around the country. In fact, the savings in TSA personnel costs from the use of this equipment was estimated to be large enough to offset the entire cost of the equipment.

The Transportation Security Administration proposed to OMB that the agency purchase much of the needed equipment when it was preparing its plans to meet the 2002 explosive detection requirement set in law. But

OMB decided that the expense could not be accommodated within the tight, arbitrary limits for homeland security spending which the President and the Director of OMB had decided to impose. Republicans in Congress then adopted a budget resolution that did not provide the Appropriations Committee with the latitude to move forward with the purchase. As a result we do not have an effective system of detecting explosive materials and that failure is due entirely to artificial constraints on resources and incompetent budgeting. TSA has recently acknowledged that the more expensive machines would pay for themselves within 3 to 5 years.

Following September 11th there was broad recognition of the fact that we needed to restart the sky marshals program and insure that there were enough marshals on domestic and international passenger flights so that potential hijackers would always have to think twice about the likelihood that a sky marshal might be present on a targeted flight.

Now the exact number of marshals that the President and the Congress agreed were necessary has remained classified. But few people realize that we are no longer operating at that level. No one has come forward with convincing arguments that the level was too high or that adequate safety can be assured at a lower level. We have simply once again allowed arbitrary budget limits, applied to one small portion of the budget, to drive a decision that may unnecessarily put a great many Americans at risk. Under the President's budget submission for Fiscal 2005, we will have 20% fewer sky marshals than the President and the Congress agreed that we needed just two years ago. That is in spite of the fact that there has been a significant increase during that period in the number of domestic and international flights and in the number of passenger miles flown.

We have had—and continue to have—serious communications problems between military pilots who have the ultimate responsibility to insure that commercial aircraft are not used to crash into buildings (and the commercial aircraft and the FAA system that controls them). Quite simply, military and commercial flight systems cannot easily and quickly talk to one another and the potential that leaves for miscalculation and mistakes is horrific.

Despite the fact that this problem could be solved for relatively little money, the military felt the commercial system should foot the problem and the FAA and the airlines felt it should be addressed in the military budget. OMB decided the cheapest solution was not to decide.

Finally, last fall, I decided for them. The \$10 million that was needed was earmarked in the Defense Appropriation bill. I suppose that's a good ending to the story, except that the delay in funding means that the system will not be operative until 2006. That gives you one more thing to think about when you board a plane. It also provides more than a little insight into how decisions about homeland security are being sorted out within the executive branch.

#### RAIL VULNERABILITIES

These examples of inaction with respect to airway security are serious, but they do not begin to compare with the nearly total abdication of our responsibility to assure the safety of rail transportation. As the recent attacks in Spain have demonstrated, our enemy is not wedded to attacks on any single transportation mode. He will watch and wait until he finds a vulnerability that can be exploited.

Rail is vulnerable in two ways. One is from attacks against our freight rail system that handles a huge portion of the materials,

products and chemicals that allow our economy to function. The second is from attacks (like those in Spain) against the roughly 13 million Americans who use passenger rail systems each day.

Luckily, the Department of Transportation and other agencies in the executive branch began a process of sharing classified threat information with the nation's rail freight carriers in the late 1990s. The plans developed as a result of that process are in place and provide a foundation for significant security upgrades. But the plans are dependent upon the federal government meeting certain obligations it accepted during the planning process. Under those plans federal security forces are specifically required to monitor tracks and facilities. Not only have we failed to do that but we have not even designated the agency or department that will supply the forces or establish a means of training them.

As disquieting as the lack of progress in securing our heavy freight and passenger rail systems may be, the security efforts on behalf of transit systems is even worse.

#### LACK OF PROGRESS IN TRANSIT SECURITY

The White House has failed to mediate the dispute between the Departments of Homeland Security and Transportation over who is actually in charge of transit security. A General Accounting Agency report recommending a resolution of the issue has been rejected by both departments. The impasse continues despite the fact that it is halting any significant progress in securing the systems and despite the fact that transit systems have been the most frequent worldwide targets of terrorist attacks.

Neither Department is willing to spend even a small fraction of the security related costs most experts feel is necessary. Department of Transportation security funding for transit systems totals \$37 million in the current year and the Department of Homeland Security has allocated only \$115 million over the past two years. This legislation contains only \$11 million for rail and transit security needs. In contrast, the transit industry estimates that \$6 billion is needed for security training, radio communications systems, security cameras and limiting access to sensitive facilities.

What is the Department of Homeland Security's answer to these unmet needs?

They testified this spring that more funds are not necessary until they have had a better opportunity to define the problem. Now, that is an orderly approach, which we should applaud as long as the Department can guarantee al Qaeda's cooperation with their schedule. My concern is that the Department is likely to get some help they have not asked for in developing a definition of the transit security problem.

The Department has clearly become aware of how vulnerable they are to criticism about their lack of serious attention to transit issues. Only two weeks ago, in a classic move to cover their bureaucratic backsides, they issued a directive to transit systems ordering them to take a series of actions that the Department's own data collection system indicates have already been completed by the vast majority of transit authorities across the country.

#### CARGO CONTAINER VULNERABILITIES

Since September 11 the vulnerability that has most troubled many experts has been maritime cargo and the exposure of our ports to a nuclear, chemical or biological attack from a weapon placed in a shipping container. As the president of the U.S. Chamber of Commerce, Tom Donohue, has pointed out, such an event could cause death and destruction on a scale far beyond the attacks launched on September 11. It could virtually

shut down our global trading system for an extended period of time. The economic consequences would be almost incalculable. Terms like "economic downturn" or "recession" would not begin to describe the aftermath.

The Bush Administration has spent billions looking for new technologies with the capacity to knock a nuclear warhead out of the sky if it were launched in the nose cone of an intercontinental ballistic missile. It has invested heavily in the development of other technologies that are intended to serve that purpose but probably cannot. But they seem unresponsive to the fact that a rogue or a terrorist organization can simply place such a weapon in a shipping container and explode it upon arrival in New York Harbor or in Los Angeles, San Francisco, New Orleans or Boston. A ship can bring into this country a far less complicated weapon than one which could be placed on an ICBM. It can be massive in size and its does not need to even be thermonuclear in order to cause massive numbers of casualties, destruction and economic chaos.

So what have we done to protect ourselves? Protecting our ports is not unlike protecting our airports. We need to have multiple security perimeters. The first should be overseas. That requires a whole new approach to cargo inspection. It requires that our inspectors leave the United States, establish cooperative relationships with port security officials in countries around the world that ship to the United States. It requires that they establish a system of certification and best practices with major exporters around the world.

This is not a Democratic proposal. This is roughly the proposal that George Bush's own appointed head of the Customs Service, Bob Bonner, took to the White House in months immediately following September 11th. It is the proposal that the Council on Foreign Relations Task Force, headed by former Senators Rudman and Hart had endorsed. It is the proposal that the U.S. Chamber of Commerce has written editorials to support.

But the White House waited until last year to request the first dime for this effort. Whatever presence the United States has had in foreign ports over the past one thousand days has been entirely as a result of Congressional increases to homeland security spending—increases that were opposed by the White House, increases that the White House threatened at various stages in the legislative process to veto, and increases which on one occasion the White House did veto.

Last year, the White House reversed themselves and finally requested a portion of the funds that were needed for container security. Their position changed from, "we can't afford it" to "we needed to wait." That is a turnaround and I suppose we should welcome it. But the \$126 million that the president has proposed for FY2005, and is contained in this legislation, will not adequately fund the program. It will not even allow us to fully staff the 45 foreign ports where DHS had planned to inspect all manifest documents. It will not permit our current foreign inspection programs to become permanent. We are currently in only 17 ports. We currently have no container security presence in China, the biggest U.S. trading partner in terms of cargo containers. The number of cargo containers arriving to the U.S. from China is more than three times those arriving from Hong Kong.

More troubling than the mere question of resources is the lack of political or bureaucratic clout behind this critical initiative. If having inspection agents working with foreign customs officials is to be a truly effective means of understanding what is in foreign ships before they leave for U.S. ports, it

requires developing long term relationships between our agents and those who control the foreign ports we wish to monitor.

This involves a new level of training and expertise for our customs agents. It involves establishing continuity in the relationship we have with host governments in terms of what we expect to get and what incentives we can provide to those who cooperate. Nothing could be more destructive to this effort than to rotate in and out of foreign ports agents with only a few months of experience based on a deliberate system of staffing through temporary assignment. But that is precisely what we have done. In the few foreign ports where we do have a presence, that presence is a U.S. customs officer detailed there on a six-month temporary duty assignment. Those agents don't even know what the problems were between the U.S. and the host government when the program was initiated. They are certainly not people that officials of the host government would want to invest much time in getting to know—they will be gone before there is any pay off from developing a relationship.

#### PORT VULNERABILITIES

If the overseas effort to identify the contents of cargo containers is the outer perimeter for protecting our ports, the ability of the Coast Guard to interdict, board and inspect U.S. bound shipping at sea is the next perimeter. Yet the Coast Guard's capacity to perform that function has also been restrained by lack of resources. The Administration frequently states that the Coast Guard is now boarding all vessels that are deemed to be "high interest." That means 80% of all other vessels are not boarded.

Observing, tracking and controlling ships as they approach and enter into American waters is the next perimeter in securing our ports. Systems have been developed that are very similar to the systems by which air traffic control directs airplanes entering into U.S. airspace and approaching U.S. airports. These systems, however, are available in only nine ports, leaving 45 major ports without such a system. Again, this is penny wise and pound foolish. It is also a bad decision in terms of long-term cost effectiveness. More automated systems permit more rapid detection of ships that are not following control directives; they can be operated by fewer people and are long-term cost savers.

And, inside our ports, there are numerous critical issues. One is preventing unauthorized persons from having access to ships, containers or post storage areas. A second is protecting hazardous chemicals and materials from attack. The Coast Guard estimated that the 185 commercial seaports in the United States would need about \$7 billion to assess vulnerabilities and take necessary action to correct those vulnerabilities. These port authorities do not, in most instances, have the revenue raising authority to pay any significant portion of these costs. This year was the first time the Administration requested any money whatsoever for this purpose, and it only requested \$46 million. The Congress has been able to appropriate only \$587 million or less than 10% of the money needed to do the job. This legislation includes an additional \$125 million for port security, which will keep us on the slow-moving path to addressing all of our port vulnerabilities.

#### SECURING OUR LAND BORDERS

Another major priority has been securing our land borders—in particular, the 3000 mile U.S. border with Canada or 5000 miles if we include Alaska. Despite our continuing strong economic and political ties to Canada, the situation of the two nations with respect to potential terrorist attacks is quite different. Canada's smaller role in world affairs and the image of Canada in the eyes of

the international community make it a much less likely target of attack than the U.S. At the same time, Canada's vast geography and relatively small population have led to far more lenient immigration policies than those in place in the United States.

As a result there will continue to be significant differences between the two countries on how external security concerns are managed. That means that the question of how to control our border and the movement of people and cargo across that border is suddenly a matter of much greater concern.

Recognizing that concern, the Congress included language in the Patriot Act calling for the tripling of the number of border agents and inspectors on the Canadian border above the levels we maintain on September 11th. As of October 2003, we were still more than 2000 people short of this goal. In addition, there was a clear need for significant additional equipment on the Canadian border to insure that those new people would be efficiently put to work: equipment like air stations, radiation monitors, and surveillance equipment.

To date we have fewer than 4000 agents and inspectors on the border. In other words, about one third of the positions promised in the Patriot Act are still unfilled. The FY 2005 budget promises no increases from current levels. And the President' out-year budget projection provides a strong indication that personnel strength at the border will actually decline rather than increase over the next five years. With respect to equipment, we have provided the first air station (again one not requested by the Administration) and some radiation monitors, but have made no critical investments in things such as surveillance equipment.

#### PREPARING THOSE WHO RESPOND TO TERRORIST ATTACKS

The events of September 11th made clear that the brave men and women serving in the police, fire and emergency medical units in New York, New Jersey, Virginia, District of Columbia and Maryland needed a significant amount of additional equipment and training to more effectively respond to the types of attacks that occurred on that day. It was also apparent that first responder units across the nation did not have most of the equipment they would need to deal with a nuclear, chemical or biological attack.

The needs of local first responders were spelled out in considerable detail in the Rudman-Hart reports. But the federal government has already allowed most of the burden to fall on local governments. Since the capacity of those local governments to support such investments in the tough economic times is limited, progress in equipping first responders has been minimal.

Of the \$98 billion in first responder needs identified by the Rudman-Hart report, the Feds have provided less than \$14.5 billion, or 15%. As a result only 13% of fire departments can effectively respond to a hazmat incident. An estimated 57,000 firefighter's lack the personal protective clothing needed in a chem-bio attack. An estimated 1/3 of firefighters per shift are not equipped with self-contained breathing apparatus and nearly half of the available units are 10 years old. Only half of all emergency responders on shift have portable radios. And we still have massive needs for interoperable communications equipment. On site emergency personnel working for different agencies need to be able to talk to each other. We will probably never know how many victims in the World Trade Centers could have been saved if they had known that they needed to evacuate the buildings. We know that was a communication problem of disastrous proportions.

This legislation cuts funding for programs designed to improve the response capabili-

ties of our local police, firefighters and emergency responders by \$327 million or seven percent from 2004. These professionals are put on the front line risking their lives every day. They are especially put at risk when terrorists attack our homeland, as we saw from the number who died at the World Trade Center. These professionals need to be prepared for the various types of attacks we may face and they are not fully prepared today. It is disgraceful that this legislation provides less funding in this area, not more.

These are only a few examples of where corners have been cut in establishing the line of defense here at home.

#### INADEQUATE HOMELAND SECURITY LEADERSHIP

But there is more to the story than simply talking about resources. In many instances, we have not had the leadership necessary to organize available resources in effective ways.

Prior to the creation of the Department of Homeland Security, the White House identified 133 separate agencies and activities within the federal government that played a role with respect to homeland security. The creation of a Department was the Administration's answer as to how to better manage and coordinate those disparate activities. The problem, however, is that only 22 of those 133 activities became part of the new department. A total of 111 agencies and activities, including the FBI, the CIA, the Defense Department and many other key components of the overall effort remained on the outside.

But for whatever reason, the effort to have centralized control and coordination of all of those activities within the White House was diminished. When Tom Ridge went to DHS his replacement within the White House was not given the same clout to knock heads together and insure that Departments and agencies are working together toward a common mission. Too frequently, we have had 112 units of government headed off on their own with no central coordination, as Attorney General Ashcroft's press conference and the reaction within the administration to that press conference last week so clearly demonstrated.

And even within the new department there have been serious problems. In its first year of operation, DHS has disappointed even those with low expectations. Bureaucratic snarls have been so intense that on its first anniversary the Department still did not have a working phone directory. My staff has been asking for one for more than six months and has yet to receive it. It has also been reported that when callers phone the Department's hotline number, it just rings and rings. Members of Congress from the President's own party have expressed grave concerns about the inability of the Department to respond to requests for information in any kind of a reasonable time frame.

One possible cause of the rampant chaos at the department has been the injection of a huge number of political appointees. Since the creation of the Department more than one quarter of all personnel who have been hired for departmental operations have been political appointees. These individuals often appear more fixated on positioning themselves politically than on the nuts and bolts security problems, which the Department must address. We have seen a huge number of press releases promoting the Departments efforts but we have few concrete efforts worthy of such self-promotion. We, for instance, still do not have regulations regarding the licensing and registration of hazardous material truckers nor do we the detailed guidance for flight and cabin crew training to prepare for potential threat conditions which was mandated by the Aviation and Transpor-

tation Security Act more than two years ago.

Typically, political appointees remain in their appointed positions for less than 24 months. At that point, they are off to some other part of the administration or headed back into the private sector. That means building true long-term competency within any Department is heavily dependent on recruiting a committed professional career staff. But the 114 political appointees now swarming the halls at DHS have—if anything—impeded that process. Of the 500 career positions needed to run the department, 171 remain vacant. One of the most critical positions in any Department is that of Budget Director. In only 14 months DHS has had three budget directors.

Ironically, this legislation provides funding that is sixty-two percent higher than this year for Departmental Operations. Even though we were told that formation of the Department of Homeland Security would not cost us a dime, it now appears that the Administration has realized that this was not true: \$65 million is provided in this legislation for the Department's headquarters and \$70 million is provided for the "security-critical" new personnel system. I do not question the need for this funding. But I do think that it is instructive that these are higher priorities for the Administration and the Committee majority than are protecting our border, ports, transit, and aviation system.

Instead, this \$135 million could have been used to purchase and install hundreds of additional radiation portal monitors at our borders and ports. The Committee majority admits that it is, and I quote this report, "aware of a need for over 1,000 more" radiation portal monitors than are funded by the Committee.

Instead, this \$135 million could have been used to inspect a much greater percentage of air cargo for explosives than we do today. While the Committee report calls for a doubling of the screening for explosives of cargo carried on passenger airplanes, this "doubling" still leaves a large percentage of such cargo at risk.

Instead, this \$135 million could have been used to secure additional critical infrastructure, like chemical facilities, transit systems and ports. The Committee majority agreed with the Administration's plan to have only thirty-five percent of protective actions that it recommends actually implemented for "first tier priority critical infrastructure components". What this means is that sixty-five percent of the actions the Department recommends to protect the public will not be implemented next year.

The Administration and the Committee majority seem to be very patient when it comes to protecting our citizens on our homeland. Unlike them, I remain unconvinced that terrorists will wait a decade for their next attack.

#### CONGRESS SHOULD NOT ABDICATE ITS ROLE

About a year and a half ago I spoke to a group of reporters at the National Press Club about where the country stood at that time in protecting itself against terrorist attacks. I feel that the coverage of that event was fair and I think we exposed some problems that, as a result of that coverage, have been fixed. But I also think that the press and the public have a presumption that this is such a complex issue that we simply have to trust the President and his advisors in the Executive Branch to do what is right. I think many of my colleagues in Congress have felt the same way. While I understand people's tendency to leave this complex calculus to the "experts," I think this town is currently awash in new information about the decision making process within this administration which indicates that is a bad idea!

First of all, that is not the approach to decision making that the Constitution requires of us. It is our job to second-guess. When so much is at stake, the Congress, the press and the public have the clearest possible obligation to insure that the decision making within the Executive Branch is measured, deliberate, based on the best available information, and consistent with the quality of judgment befitting the seriousness of the risks to which we are exposed. Had that happened in the wake of 9/11 or even a year and a half ago there are many points in this statement that I might have been able to leave out.

One problem in all of this, frankly, is that it was hard for the press and the public to believe much of what I reported a year and a half ago. While the facts presented in that statement were well documented they presented a picture of executive branch decision-making that was wholly inconsistent with what the nation or the press corps wanted to believe. It was hard to accept the idea that in this moment of great national crisis we did not have systematic methods of screening information, examining policy choices, debating the pluses and minuses of each alternative, and making strategic choices based on an exhaustive effort to find the best possible alternative. But in recent months we have learned time and time again that this was not the nature of decision-making within this administration.

Ron Suskind, using the exhaustive notes and papers of Treasury Secretary Paul O'Neill, tells of an extraordinary decision making process in which information is collected on the basis of decisions that preceded them. Richard Clarke describes a process both before and after 9/11 that was quite similar. So does Bob Woodward.

My own experience with the President himself, demonstrates that this President has listened as infrequently to those in the Congress who know something about homeland security as he did to our allies or the career American military before rushing into Iraq.

But any one who has been listening these last few months is pretty well aware of the fact that we were not vigilant and were not picking up on clear information of elevated threat levels prior to 9/11. We did not respond in the summer of 2001 to that threat in the same manner that we responded 18 months earlier when similar threat information triggered a massive response to the millennium threat. We did not have an orderly or honest process to measure the pluses and minuses of invading Iraq. People at the highest levels silenced, dissent and criticism and irreversible actions were taken based on flawed information.

We based our plans for security and reconstruction of Iraq on intelligence from a single organization outside of this government which both the State Department and the CIA said was unreliable. Unfortunately, that is all spilt milk. Even if we understand those mistakes, we can't go back and try it again.

What I am talking about today is not spilt milk. We can correct these policy mistakes and we can possibly correct them in a time frame that will prevent the next attack. It all depends on whether we are ready to get real.

Now, I am not optimistic by nature. Perhaps it is merely my nature that leads me to believe that the cauldron that is today boiling in Southwest Asia, North Africa and the Middle East will likely spill over once more onto the shores of North America. If we are not ready, I do not want to look myself in the mirror for the rest of my life and wonder why I didn't ask tougher questions or insist on more responsible and responsive policies. I think the overall performance of our gov-

ernment to date in the area of homeland security merits a greater sense of skepticism and urgency on the part of the press and the general public as well.

We lived in a more dangerous world prior to September 11th than most Americans realized. Our efforts to making the world safer have met with mixed results and the numbers of persons who wish us harm and will go to great lengths to inflict harm have grown steadily during the past thousand days. Clearly some of our efforts have done little more than fed the flames of discontent and hatred.

That places even greater pressure on our last lines of defense, protecting our borders, our transportation systems and our capacity to respond to terrorist acts in this country if, God forbid, they are again committed. But as the facts I have today outlined well document, those efforts remain under funded and poorly managed. The President proposed that we have 20% fewer sky marshals than we had a little more than a year ago. We have hired only two-thirds the people that the Patriot Act mandated for protecting our Northern Border. We have invested one-tenth what is needed to protect our ports. We have only just begun to take the steps needed to protect our rail and transit systems. Our first responders have only a fraction of the tools they need. And worse still, the agencies that have been entrusted with the responsibilities are still wallowing in bureaucratic chaos.

As we saw last week the Justice Department and the Homeland Security Department are still in the business of surprising each other. Simply hoping that these problems will somehow work out is not unlike the wishful thinking that many engaged in as they prepared to invade Iraq. Misinformation and bad planning can lead to excruciatingly painful results. The time to reexamine our security, our security budgets and our whole thinking in this area is now. The Congress must act to put a stop to this mindless, non-information based approach to policy and national strategy. It is as likely to prove catastrophic in the defense of our homeland as it has been in installing democracy in Iraq.

Congress may control nothing more than the purse strings—but that is enough. The Congress has all the power it needs to reopen this discussion, insure that assumptions are well founded, the information is the best available, the management is sound and the resources are adequate. What it will take to significantly improve the systems that protect this nation is small in the relative scheme of things—a few tenths of a percent of GDP may be no more than we are now spending on Iraqi reconstruction and one-twentieth of what we have handed out in tax breaks. Given the stakes, we cannot afford to do less.

#### AMENDMENT OFFERED IN COMMITTEE TO PROVIDE \$3 BILLION MORE

That is why I offered an amendment in Committee to provide \$3 billion to fix some of the most critical security holes.

Our homeland security agencies could do more with this additional funding—

They could put more radiation and surveillance monitors at our borders and ports;

They could increase surveillance on our transit systems;

They could increase surveillance by local police of critical infrastructure facilities;

They could improve the ability of our police and firefighters to communicate with each other and be suited properly;

They could inspect additional containers coming into the United States;

They could put more air marshals on flights;

They could increase our stockpile of antibiotics;

They could increase air patrols of our borders; and

They could fix some holes in our current aviation security screening system.

This \$3 billion, however, would have only been available to do this if the President agreed. It is disappointing and shortsighted that the Committee voted along party lines not even to give him that choice.

The Chairman of the Committee said during markup that he would probably support my amendment if he had additional budget allocation. The budget allocations are severely restricted because the Administration has decided that tax cuts and the costs of a war should go hand-in-hand. This squeezes spending on virtually everything else.

We need to stop being penny-wise and pound-foolish. We need to push the Department of Homeland Security to make needed security investment now, so that we can be protected tomorrow. If we do not make those investments until tomorrow, our protection may come too late.

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

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

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time. I do rise in support of this rule and against the argument that has been made by the gentlewoman from Connecticut and to some extent by the gentleman from Wisconsin, which is that we should defeat the previous question in order to amend the rule because the Committee on Rules did not make in order an amendment which was added in the committee by the gentlewoman from Connecticut.

That amendment should not be made in order. It is not in order on this bill. It is a sweeping amendment that would change the entire tax laws of the United States. It would change all of our rules and regulations that we are required to adhere to under the World Trade Organization, and it ought to be thoroughly debated and vetted in the proper venue, in the Committee on Appropriations, and not on the floor of this House as an amendment. So it is indeed correct that it is not made in order and should be stricken. But let me talk just a moment about the substance of this.

The idea here is that somehow that Accenture should not be allowed to bid on the US-VISIT program. The idea is that Accenture is avoiding paying U.S. taxes and has some sort of unfair competitive advantage, but that is simply not true. Neither the employees of Accenture are avoiding paying taxes, nor is the company avoiding paying any taxes on any of its obligations or any of its profits that are made here in the United States. The company pays its taxes on all of its U.S.-generated income. In fact, its effective tax rate for the year 2004 is 34.8 percent.

Now, the national average for all corporations is 19 percent. The tax rate for its two major competitors for this bid were Lockheed Martin and Computer

Sciences Corporation and their tax rates were 31.3 percent and 28 percent respectively. That is based on their last 10-K filing. So it is simply false to say that this is a company that is not paying its taxes. It does not receive any tax advantage by having its ultimate parent incorporated in Bermuda. So here we have a company that is actually paying higher taxes than its competitors who bid on this. It is paying much higher taxes than the average corporate rate.

So it is simply not true to say that Accenture is trying to avoid paying taxes.

The second assumption that is wrong in this argument is that Accenture has done a corporate inversion. That is that they incorporated, they went to Bermuda in order to avoid paying this taxes. It is not a corporate inversion. It did not move its place of incorporation from the U.S. to Bermuda with the intent of avoiding paying U.S. taxes. If has never been a U.S.-based corporation and it has never operated under a U.S. parent corporation. In fact, the General Accounting Office in the report that it did in October 2002 about corporate inversions did not even list Accenture as a government contractor that undertook a corporate inversion.

Finally, there is the faulty assumption that only the U.S. companies should provide products and services to the Federal Government.

Nothing, Mr. Speaker, nothing could be further, more wrong-headed than that. We rely, we are a service based economy, and we rely very heavily on being able to bid and open up contracts in other countries. We have worked in the World Trade Organizations in all the trade negotiations in order to try to make sure that we had good provisions in there for procurement, government procurement contracts. This would just invite the kind of retaliation that would say that our corporations, our major contractors cannot bid on an airport being built in Tokyo or a major oil contract in Saudi Arabia. It invites that kind of retaliation because it says that we are not going to abide by our own World Trade Organizations rules.

I would say in closing, Mr. Chairman, this amendment that was added in the Committee on Appropriations is the simply paying politics application with the award of this contract. It is based on faulty assumptions to score some political points. Any delay in implementing contracts puts the American people at risk. It would further delay a vitally important contract to us, and I urge that we approve the previous question and approve this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 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 gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

I rise in opposition to the rule on the fiscal year 2005 Homeland Security appropriations bill. The President's 2005 Homeland Security budget request falls short. This bill represents an improvement; however, I have serious concerns about some of the program funding levels and the policy decisions which a rule would prevent us from addressing.

The rule fails to waive points of order against the Obey amendment. The bill contains deep cuts in first responder funding, which is \$327 million below 2004 enacted levels. The House-passed budget resolution and the resulting Homeland Security allocation restricts this bill from doing more to protect our borders and ports and other critical infrastructure.

To address some of the most critical needs, the gentleman from Wisconsin (Mr. OBEY) offered an amendment in the Committee on Appropriations to provide a contingent Homeland Security emergency reserve of \$3 billion available to the President upon request. The amendment is common sense, yet Members cannot vote on it because this rule fails to waive points of order against it.

The Committee on Rules also failed to make in order an amendment that I offered the Committee on Appropriations on chemical plant security. My amendment would direct the Department of Homeland Security to require both vulnerability assessments and security plans for chemical facilities and to provide oversight of the action taken by these facilities to improve security. The decisions on which chemical facilities must comply would be left to the department based on risk.

It is widely known that chemical facilities are clear terrorist threats and there are about 3,000 such U.S. facilities where a release would affect over 10,000 Americans.

Despite years of such warnings from many experts, the General Accounting Office reported in 2003 that no comprehensive information exists on the security vulnerabilities facing the chemical industry, and many facilities have neither assessed their vulnerability nor their security. We should not wait any longer to protect this glaring problem, but this rule prevents us from taking prudent action.

As Warren Rudman recently said, "You have to only look at television footage from Bhopal in India when an accident occurred to recognize how serious a disaster this would be. If you were terrorists and you decided to cause a major disaster, why would you not go to a plant that, if you could penetrate it and blow a part of it up, would cause fumes to waft over the entire area to kill who knows how many people?"

Last, I am disappointed that this rule leaves unprotected the most critical element of the CAPPs II passenger prescreening provision. This bill language mandates that the GAO review the methodology used by TSA to deter-

mine which passengers may be terrorists.

This is the most sensitive aspect of the CAPPs II, with broad implications for Americans' privacy and civil liberties, and GAO has not yet been able to review it.

In closing, I believe this rule prevents the House from addressing some of the most critical Homeland Security funding and policy issues. I urge Members to defeat the previous question and, if that is defeated, to defeat the rule.

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

Ms. SLAUGHTER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise today to oppose this rule because I felt very strongly that this House should be given the opportunities to provide what I believe to be the essential additional funding to protect the homeland.

This Congress and this House has had a long tradition of supporting national defense in a bipartisan way. If you look at the additions that we have made in spending in the area of national defense, particularly in light of the conflict in Afghanistan and Iraq, we have spent in the neighborhood of an additional \$150 billion or so in the defense of this effort.

The truth of the matter is, our additional spending on homeland security dwarfs by way of comparison and yet in both instances we are at war. We are at war against an enemy who desires to destroy us, an enemy who will exploit our vulnerabilities, and what we should be doing is debating in an open way whether or not we believe we should be prepared to deal effectively with these threats.

We need to install radiation portal devices immediately in our ports. We need to provide sufficient security funding for our rail and public transits. We need to provide the Coast Guard with additional funds to protect our ports. We need to be sure that we install explosive detection equipment in our airports. We need to have inspectors and personnel at our northern and southern borders sufficient to do the job. We need to fund adequately our first responders. The list goes on. But I frankly believe, Mr. Speaker, that this House if given the choice would provide additional dollars for homeland security. I regret that this rule denies us this opportunity.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any further speakers?

Mr. LINCOLN DIAZ-BALART of Florida. No, Mr. Speaker, we do not.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, when the previous question is called I will ask for a no vote. It seems that hardly a day goes by that we do not turn on television and hear some new report on a terrorist plot around the world. Some of the most recent reports have indicated terrorists may be planning attacks in the United States this summer. Just the other day authorities arrested a man in Ohio allegedly planning to blow up a shopping mall.

With news like this it is little wonder that the security of our Nation weighs heavily on the minds of our constituents. Unfortunately, the bill before us today does not provide an adequate level of funding to give our communities the resources that they need to keep America and its people safe. Excluding Project BioShield, the Homeland Security appropriations bill barely keeps up with inflation, and it even cuts funding for programs to help our police, firefighters and emergency personnel 7 percent.

How do we expect to keep our Nation secure when we are cutting funding for the very people tasked with keeping our constituents safe.

It does not have to be this way, Mr. Speaker. Last night at the Committee on Rules, the gentleman from Wisconsin (Mr. OBEY) brought forth a very important and responsible amendment that would have provided an additional \$3 billion to the Department of Homeland Security in a contingent emergency reserve. As the gentleman from Wisconsin (Mr. OBEY) pointed out in his testimony, this money could be used to increase the number of air marshals on planes or to address the problems in our current aviation security screening system.

□ 1430

It could provide for more radiation and surveillance monitors at our borders and ports and allow for increased inspection of shipping containers coming into the country. It could be used to increase surveillance in our transit systems and to improve communications between police, firefighters and other first responders.

Unfortunately, Mr. Speaker, we will not get a chance to vote on more money for security at our borders or on our transit systems or for our first responders because the amendment by the gentleman from Wisconsin (Mr. OBEY) was defeated on a straight party line vote.

So today, Mr. Speaker, 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 the amendment of the gentleman from Wisconsin (Mr. OBEY). This fund represents a tiny fraction of the money that has gone towards rebuilding Iraq. I do not think it is asking too much to make sure that our own Nation is fully protected and that emergency monies are available should they be needed.

In the 2 years since the creation of the Homeland Security Department,

we have found a number of areas that need more resources. The monies contained in the contingency fund could provide a much-needed shot in the arm for these programs and services that may have vulnerabilities. Mr. Speaker, this should not be a partisan issue. The safety of our Nation and its citizens is of utmost importance to all of us in this House.

Today this Congress can put aside partisanship and act to protect America's homeland by giving the Department of Homeland Security the additional resources provided in the ObeY amendment to meet our most urgent security concerns.

I am confident that all Americans and all Members of this House support that sentiment. So I urge Members on both sides of the aisle to vote no on the previous question.

Let me emphasize that 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 this rule. However, a yes vote will prevent the House from considering this badly-needed amendment to create an emergency contingency fund for homeland security and preserve that department's ability to more fully protect Americans against terrorism.

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

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote no on the previous question and yield the balance of my time.

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

Mr. Speaker, I also believe that homeland security should not be a partisan issue. That is why I am so proud of the work that the leadership and that the Committee on Appropriations and especially the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) have brought forth, they have expended and brought forth with regard to this critical issue.

The legislation before us spends \$33 billion, Mr. Speaker, on homeland security, \$33 billion. Just in the area of first responders, Federal assistance for those first responders since September 11, 2001, almost \$27 billion have been appropriated by this Congress. I am very proud of the way in which this Congress has responded to the threat, has acted to protect our homeland security. This is very important legislation that we have before us today. It is time that we get to the underlying legislation and that we pass it out.

So accordingly, Mr. Speaker, I urge a yes vote on the previous question, on the rule and on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 675—RULE ON H.R. 4567, FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATION

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Representative of Wisconsin or a designee. The amendment is 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 amendment referred to in section 2 is as follows:

At the end of title I, insert the following:

#### CONTINGENT EMERGENCY RESERVE

For additional expenses, not otherwise provided for, necessary to support operations to improve the security of our homeland due to the global war on terrorism, \$3,000,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That the funds made available under this heading shall be available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That funds made available under this heading may be available for transfer for the following activities:

(1) up to \$1,200,000,000 for "Office for State and Local Government Coordination and Preparedness, State and Local Programs";

(2) up to \$200,000,000 for "Office for State and Local Government Coordination and Preparedness, Firefighter Assistance Grants";

(3) up to \$450,000,000 for "Transportation Security Administration, Aviation Security";

(4) up to \$50,000,000 for "Transportation Security Administration, Maritime and Land Security";

(5) up to \$550,000,000 for "Customs and Border Protection, Salaries and Expenses";

(6) up to \$100,000,000 for "Immigration and Customs Enforcement, Air and Marine Interdiction, Operations, Maintenance, and Procurement";

(7) up to \$50,000,000 for "Immigration and Customs Enforcement, Federal Air Marshals";

(8) up to \$100,000,000 for "Immigration and Customs Enforcement, Salaries and Expenses"; and

(9) up to \$300,000,000 for bioterrorism preparedness activities throughout the Federal Government:

*Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations 15 days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

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. 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.

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.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 675 will be followed by five-minute votes, as ordered, on adopting H. Res. 675; adopting H. Res. 674; passing H.R. 4517; and suspending the rules and passing H.R. 4545.

The vote was taken by electronic device, and there were—yeas 224, nays 205, not voting 4, as follows:

[Roll No. 243]

YEAS—224

Aderholt	Flake	McCrery
Akin	Foley	McHugh
Bachus	Forbes	McInnis
Baker	Fossella	McKeon
Ballenger	Franks (AZ)	Mica
Barrett (SC)	Frelinghuysen	Miller (FL)
Bartlett (MD)	Gallely	Miller (MI)
Barton (TX)	Garrett (NJ)	Miller, Gary
Bass	Gerlach	Moran (KS)
Beauprez	Gibbons	Murphy
Bereuter	Gilchrest	Musgrave
Biggert	Gillmor	Myrick
Bilirakis	Gingrey	Nethercutt
Bishop (UT)	Goode	Neugebauer
Blackburn	Goodlatte	Ney
Blunt	Goss	Northup
Boehlert	Granger	Norwood
Boehner	Graves	Nunes
Bonilla	Green (WI)	Nussle
Bonner	Greenwood	Ose
Bono	Gutknecht	Otter
Boozman	Hall	Oxley
Bradley (NH)	Harris	Paul
Brady (TX)	Hart	Pearce
Brown (SC)	Hastings (WA)	Pence
Brown-Waite,	Ginny	Peterson (PA)
Burgess	Hefley	Petri
Burns	Hensarling	Pickering
Burr	Herger	Pitts
Burton (IN)	Hobson	Pombo
Buyer	Hoekstra	Porter
Calvert	Hostettler	Portman
Camp	Houghton	Pryce (OH)
Cannon	Hulshof	Putnam
Cantor	Hunter	Quinn
Capito	Hyde	Radanovich
Carter	Isakson	Ramstad
Castle	Issa	Regula
Chabot	Istook	Rehberg
Chocola	Jenkins	Renzi
Coble	Johnson (CT)	Reynolds
Cole	Johnson (IL)	Rogers (AL)
Collins	Johnson, Sam	Rogers (KY)
Cox	Jones (NC)	Rogers (MI)
Crane	Keller	Rohrabacher
Crenshaw	Kelly	Ros-Lehtinen
Cubin	Kennedy (MN)	Royce
Culberson	King (IA)	Ryan (WI)
Cunningham	King (NY)	Ryan (KS)
Davis, Jo Ann	Kingston	Saxton
Davis, Tom	Kirk	Schrock
Deal (GA)	Kline	Sensenbrenner
DeLay	Knollenberg	Sessions
Diaz-Balart, L.	Kolbe	Shadegg
Diaz-Balart, M.	LaHood	Shaw
Doolittle	Latham	Shays
Dreier	LaTourette	Sherwood
Duncan	Leach	Shimkus
Dunn	Lewis (CA)	Shuster
Ehlers	Lewis (KY)	Simmons
Emerson	Linder	Simpson
English	LoBiondo	Smith (MI)
Everett	Lucas (OK)	Smith (NJ)
Feeney	Manzullo	Smith (TX)
Ferguson	McCotter	Souder
		Stearns

Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt

NAYS—205

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Harman	Oberstar
Alexander	Herseth	Obey
Allen	Hill	Olver
Andrews	Hinchey	Ortiz
Baca	Hinojosa	Owens
Baird	Hoeffel	Pallone
Baldwin	Holden	Pascarell
Becerra	Holt	Pastor
Bell	Honda	Payne
Berkley	Hooley (OR)	Pelosi
Berman	Hoyer	Peterson (MN)
Berry	Inslee	Pomeroy
Bishop (GA)	Israel	Price (NC)
Bishop (NY)	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee	Rangel
Boswell	(TX)	Reyes
Boucher	Jefferson	Rodriguez
Boyd	John	Ross
Brady (PA)	Johnson, E. B.	Rothman
Brown (OH)	Jones (OH)	Roybal-Allard
Brown, Corrine	Kanjorski	Ruppersberger
Capps	Kaptur	Rush
Capuano	Kennedy (RI)	Ryan (OH)
Cardin	Kildee	Sabo
Cardoza	Kilpatrick	Sánchez, Linda
Carson (IN)	Kind	T.
Carson (OK)	Klecza	Sanchez, Loretta
Case	Kucinich	Sanders
Chandler	Lampson	Sandlin
Clay	Langevin	Schakowsky
Clyburn	Lantos	Schiff
Conyers	Larsen (WA)	Boehler
Cooper	Larson (CT)	Boehner
Costello	Lee	Bonilla
Cramer	Levin	Bonner
Crowley	Lewis (GA)	Bono
Cummings	Lipinski	Boozman
Davis (AL)	Lofgren	Bradley (NH)
Davis (CA)	Lowe	Brady (TX)
Davis (FL)	Lucas (KY)	Brown (SC)
Davis (IL)	Lynch	Brown-Waite,
Davis (TN)	Majette	Ginny
DeFazio	Maloney	Burgess
DeGette	Mark	Burns
Delahunt	Marshall	Burr
DeLauro	Matheson	Burton (IN)
Deutsch	Matsui	Buyer
Dicks	McCarthy (MO)	Calvert
Dingell	McCarthy (NY)	Camp
Doggett	McCollum	Cannon
Dooley (CA)	McDermott	Cantor
Doyle	McGovern	Capito
Edwards	McIntyre	Carson (OK)
Emanuel	McNulty	Carter
Engel	Meehan	Castle
Eshoo	Meek (FL)	Chabot
Etheridge	Meeks (NY)	Chocola
Evans	Menendez	Coble
Farr	Michaud	Cole
Fattah	Visclosky	Collins
Filner	McDonald	Cooper
Ford	Miller (NC)	Cox
Frank (MA)	Miller, George	Crane
Frost	Mollohan	Crenshaw
Gephardt	Moore	Cubin
Gonzalez	Moran (VA)	Culberson
Gordon	Murtha	Cunningham
Green (TX)	Nadler	Davis, Jo Ann
Grijalva	Napolitano	Davis, Tom

NOT VOTING—4

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1502

Ms. WATSON, Mr. GUTIERREZ, Mr. PASTOR and Mrs. MCCARTHY of New York 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

Ms. SLAUGHTER. 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 234, noes 197, not voting 2, as follows:

[Roll No. 244]

AYES—234

Aderholt	Frelinghuysen	Murphy
Akin	Gallely	Musgrave
Alexander	Garrett (NJ)	Myrick
Bachus	Gerlach	Nethercutt
Baker	Gibbons	Neugebauer
Ballenger	Gilchrest	Ney
Barrett (SC)	Gillmor	Northup
Bartlett (MD)	Gingrey	Norwood
Barton (TX)	Goode	Nunes
Bass	Goodlatte	Nussle
Beauprez	Goss	Osborne
Bereuter	Granger	Ose
Biggert	Graves	Otter
Bilirakis	Green (WI)	Oxley
Bishop (UT)	Greenwood	Paul
Blackburn	Gutknecht	Pearce
Blunt	Hall	Pence
Boehlert	Harris	Peterson (PA)
Boehner	Hart	Petri
Bonilla	Hastings (WA)	Pickering
Bonner	Hayes	Pitts
Bono	Hayworth	Platts
Boozman	Hefley	Pommo
Bradley (NH)	Hensarling	Porter
Brady (TX)	Herger	Portman
Brown (SC)	Herseth	Pryce (OH)
Brown-Waite,	Hobson	Putnam
Ginny	Hoekstra	Quinn
Burgess	Hostettler	Radanovich
Burns	Houghton	Ramstad
Burr	Hulshof	Regula
Burton (IN)	Hunter	Rehberg
Buyer	Hyde	Renzi
Calvert	Isakson	Reynolds
Camp	Issa	Rogers (AL)
Cannon	Istook	Rogers (KY)
Cantor	Jenkins	Rogers (MI)
Capito	Johnson (CT)	Rohrabacher
Carson (OK)	Johnson (IL)	Ros-Lehtinen
Carter	Johnson, Sam	Royce
Castle	Jones (NC)	Rush
Chabot	Keller	Ryan (WI)
Chocola	Kelly	Ryan (KS)
Coble	Kennedy (MN)	Saxton
Cole	King (IA)	Schrock
Collins	King (NY)	Sensenbrenner
Cooper	Kingston	Sessions
Cox	Kirk	Shadegg
Crane	Kline	Shaw
Crenshaw	Knollenberg	Shays
Cubin	Kolbe	Sherwood
Culberson	LaHood	Shimkus
Cunningham	Latham	Shuster
Davis, Jo Ann	LaTourette	Simmons
Davis, Tom	Leach	Simpson
Deal (GA)	Lewis (CA)	Smith (MI)
DeLay	Lewis (KY)	Smith (NJ)
Diaz-Balart, L.	Linder	Smith (TX)
Diaz-Balart, M.	Lipinski	Souder
Doolittle	LoBiondo	Stearns
Dreier	Lucas (OK)	Sullivan
Duncan	Majette	Sweeney
Dunn	Manzullo	Tancredo
Ehlers	Matheson	Tauzin
Emerson	McCotter	Taylor (NC)
English	McCrery	Terry
Everett	McHugh	Thomas
Feeney	McInnis	Thornberry
Ferguson	McKeon	Tiahrt
Flake	Mica	Tiberi
Foley	Miller (FL)	Toomey
Forbes	Miller (MI)	Turner (OH)
Fossella	Miller, Gary	Upton
Franks (AZ)	Moran (KS)	Vitter

Walden (OR)	Weller	Wolf
Walsh	Whitfield	Young (AK)
Wamp	Wicker	Young (FL)
Weldon (FL)	Wilson (NM)	
Weldon (PA)	Wilson (SC)	

## NOES—197

Abercrombie	Gutierrez	Oberstar
Ackerman	Harman	Obey
Allen	Hill	Oliver
Andrews	Hinchey	Ortiz
Baca	Hinojosa	Owens
Baird	Hoeffel	Pallone
Baldwin	Holden	Pascarell
Becerra	Holt	Pastor
Bell	Honda	Payne
Berkley	Hooley (OR)	Pelosi
Berman	Hoyer	Peterson (MN)
Berry	Inslee	Pomeroy
Bishop (GA)	Israel	Price (NC)
Bishop (NY)	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee	Rangel
Boswell	(TX)	Reyes
Boucher	Jefferson	Rodriguez
Boyd	John	Ross
Brady (PA)	Johnson, E. B.	Rothman
Brown (OH)	Jones (OH)	Roybal-Allard
Brown, Corrine	Kanjorski	Ruppersberger
Capps	Kaptur	Ryan (OH)
Capuano	Kennedy (RI)	Sabo
Cardin	Kildee	Sánchez, Linda
Cardoza	Kilpatrick	T.
Carson (IN)	Kind	Sanchez, Loretta
Case	Kleczka	Sanders
Chandler	Kucinich	Sandlin
Clay	Lampson	Schakowsky
Clyburn	Langevin	Schiff
Conyers	Lantos	Scott (GA)
Costello	Larsen (WA)	Scott (VA)
Cramer	Larson (CT)	Serrano
Crowley	Lee	Sherman
Cummings	Levin	Skelton
Davis (AL)	Lewis (GA)	Slaughter
Davis (CA)	Lofgren	Smith (WA)
Davis (FL)	Lowey	Snyder
Davis (IL)	Lucas (KY)	Solis
Davis (TN)	Lynch	Spratt
DeFazio	Maloney	Stark
DeGette	Markey	Stenholm
Delahunt	Marshall	Strickland
DeLauro	Matsui	Stupak
Deutsch	McCarthy (MO)	Tanner
Dicks	McCarthy (NY)	Tauscher
Dingell	McCollum	Taylor (MS)
Doggett	McDermott	Thompson (CA)
Dooley (CA)	McGovern	Thompson (MS)
Doyle	McIntyre	Tierney
Edwards	McNulty	Towns
Emanuel	Meehan	Turner (TX)
Engel	Meek (FL)	Udall (CO)
Eshoo	Meeks (NY)	Udall (NM)
Etheridge	Menendez	Van Hollen
Evans	Michaud	Velázquez
Farr	Millender-	Visclosky
Fattah	McDonald	Waters
Filner	Miller (NC)	Watson
Ford	Miller, George	Watt
Frank (MA)	Mollohan	Waxman
Frost	Moore	Weiner
Gephardt	Moran (VA)	Weldon (FL)
Gonzalez	Murtha	Weldon (PA)
Gordon	Nadler	Weller
Green (TX)	Napolitano	Wexler
Grijalva	Neal (MA)	Whitfield

## NOT VOTING—2

DeMint	Hastings (FL)
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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1512

Ms. CARSON of Indiana and Mr. RA-HALL changed their vote from “aye” to “no.”

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.

# PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question on House Resolution 674 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution 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 428, nays 1, not voting 4, as follows:

[Roll No. 245]

## YEAS—428

Abercrombie	Clay	Gingrey
Ackerman	Clyburn	Gonzalez
Aderholt	Coble	Goode
Akin	Cole	Goodlatte
Alexander	Collins	Gordon
Allen	Conyers	Goss
Andrews	Cooper	Granger
Baca	Costello	Graves
Bachus	Cox	Green (TX)
Baird	Cramer	Green (WI)
Baker	Crane	Greenwood
Baldwin	Crenshaw	Grijalva
Ballenger	Crowley	Gutierrez
Barrett (SC)	Cubin	Gutknecht
Bartlett (MD)	Culberson	Hall
Barton (TX)	Cummings	Harman
Bass	Cunningham	Harris
Beauprez	Davis (AL)	Hart
Becerra	Davis (CA)	Hastings (WA)
Bell	Davis (IL)	Hayes
Bereuter	Davis (TN)	Hayworth
Berkley	Davis, Jo Ann	Hefley
Berman	Davis, Tom	Hensarling
Berry	Deal (GA)	Henger
Biggert	DeFazio	Herseth
Blirakis	DeGette	Hill
Bishop (GA)	DeLauro	Hinchey
Bishop (NY)	DeLay	Hinojosa
Bishop (UT)	Deutsch	Hobson
Blackburn	Diaz-Balart, L.	Hoeffel
Blumenauer	Diaz-Balart, M.	Hoekstra
Blunt	Dicks	Holden
Boehlert	Dingell	Holt
Boehner	Doggett	Honda
Bonilla	Dooley (CA)	Hooley (OR)
Bonner	Doolittle	Hostettler
Bono	Doyle	Houghton
Boozman	Dreier	Hoyer
Boswell	Duncan	Hulshof
Boucher	Dunn	Hunter
Boyd	Edwards	Hyde
Bradley (NH)	Ehlers	Inslee
Brady (PA)	Emanuel	Isakson
Brady (TX)	Emerson	Israel
Brown (OH)	Engel	Issa
Brown (SC)	English	Istook
Brown, Corrine	Eshoo	Jackson (IL)
Brown-Waite,	Etheridge	Jackson-Lee
Ginny	Evans	(TX)
Burgess	Everett	Jefferson
Burns	Farr	Jenkins
Burr	Fattah	John
Burton (IN)	Feeney	Johnson (CT)
Buyer	Ferguson	Johnson (IL)
Calvert	Filner	Johnson, E. B.
Camp	Flake	Johnson, Sam
Cannon	Foley	Jones (NC)
Cantor	Forbes	Jones (OH)
Capito	Ford	Kanjorski
Capps	Fossella	Kaptur
Capuano	Frank (MA)	Keller
Cardin	Franks (AZ)	Kelly
Cardoza	Frelinghuysen	Kennedy (MN)
Carson (IN)	Frost	Kennedy (RI)
Carson (OK)	Gallegly	Kildee
Carter	Garrett (NJ)	Kilpatrick
Case	Gephardt	Kind
Castle	Gerlach	King (IA)
Chabot	Gibbons	King (NY)
Chandler	Gilchrest	Kingston
Chocola	Gillmor	Kirk

Kleczka	Northup	Sessions
Kline	Norwood	Shadegg
Knollenberg	Nunes	Shaw
Kolbe	Nussle	Shays
Kucinich	Oberstar	Sherman
LaHood	Obey	Sherwood
Lampson	Oliver	Shimkus
Langevin	Ortiz	Shuster
Lantos	Osborne	Simmons
Larsen (WA)	Ose	Simpson
Larson (CT)	Otter	Skelton
Latham	Owens	Slaughter
LaTourette	Oxley	Smith (MI)
Leach	Pallone	Smith (NJ)
Lee	Pascarell	Smith (TX)
Levin	Pastor	Smith (WA)
Lewis (CA)	Paul	Snyder
Lewis (GA)	Payne	Solis
Lewis (KY)	Pearce	Souder
Linder	Pelosi	Spratt
Lipinski	Pence	Stark
LoBiondo	Peterson (MN)	Stearns
Lofgren	Peterson (PA)	Stenholm
Lowey	Petri	Stupak
Lucas (KY)	Pickering	Sullivan
Lucas (OK)	Pitts	Sweeney
Lynch	Platts	Tancred
Majette	Pombo	Tanner
Maloney	Pomeroy	Tauscher
Manzullo	Porter	Tauzin
Markey	Portman	Taylor (MS)
Marshall	Price (NC)	Taylor (NC)
Matheson	Pryce (OH)	Terry
Matsui	Putnam	Thomas
McCarthy (MO)	Quinn	Thompson (CA)
McCarthy (NY)	Radanovich	Thompson (MS)
McCollum	Rahall	Thornberry
McCotter	Ramstad	Tiahrt
McCrery	Rangel	Tiberti
McDermott	Regula	Tierney
McGovern	Rehberg	Toomey
McHugh	Renzi	Towns
McInnis	Reyes	Turner (OH)
McIntyre	Reynolds	Turner (TX)
McKeon	Rodriguez	Udall (CO)
McNulty	Rogers (AL)	Udall (NM)
Meehan	Rogers (KY)	Upton
Meek (FL)	Rogers (MI)	Van Hollen
Meeks (NY)	Rohrabacher	Velázquez
Menendez	Ros-Lehtinen	Visclosky
Mica	Ross	Vitter
Michaud	Rothman	Walden (OR)
Millender-	Roybal-Allard	Walsh
McDonald	Royce	Wamp
Miller (FL)	Ruppersberger	Waters
Miller (MI)	Rush	Watson
Miller (NC)	Ryan (OH)	Watt
Miller, Gary	Ryan (WI)	Waxman
Miller, George	Ryun (KS)	Weiner
Mollohan	Sabo	Weldon (FL)
Moore	Sánchez, Linda	Weldon (PA)
Moran (KS)	T.	Weller
Moran (VA)	Sanchez, Loretta	Wexler
Murphy	Sanders	Whitfield
Murtha	Sandlin	Wicker
Musgrave	Saxton	Wilson (NM)
Myrick	Schakowsky	Wilson (SC)
Nadler	Schiff	Wolf
Napolitano	Schrock	Woolsey
Neal (MA)	Scott (GA)	Wu
Nethercutt	Scott (VA)	Wynn
Neugebauer	Sensenbrenner	Young (AK)
Ney	Serrano	Young (FL)

## NAYS—1

Strickland
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## NOT VOTING—4

Davis (FL)	DeMint
Delahunt	Hastings (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1520

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.