

repeatedly has asserted that a collaborative relationship existed between Iraq and al Qaeda said he, Saddam Hussein, "was a patron of terrorism" and that he had "long-established ties with al Qaeda." This is the fourth or fifth time he has asserted this relationship, or members of the administration have. There is at least one thing we know about the Vice President: He is consistent, he is wrong, and he has been consistently wrong on this subject.

#### CELEBRATING JUNETEENTH

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, 139 years ago tomorrow, the sin of human bondage was ended in the United States. It has been said that the Civil War was the last battle of the American Revolution, and so it was. More than 600,000 Americans died in that conflict to save the Union, preserve the democratic ideals of the Founding, and make those ideals a reality for 4 million slaves.

If it is that the Civil War was indeed the last battle of the Revolution, then so it is that Gordon Granger fired its last shot. On his arrival in Galveston, Texas, on June 19, 1865, Granger, a major general in the United States Army, issued General Order No. 3 to the people of Texas informing them of the end of the war and the emancipation of the slaves. "This involves an absolute equality of rights and rights of property between former slaves and masters, and the connection heretofore existing between them becomes that between employer and free laborer," he said, and in an instant the world changed.

The United States, the first Nation in history "conceived in liberty and founded on the proposition that all men are created equal," was, for the first time, seeing to it that liberty and equality were extended to all its citizens.

Juneteenth, then, reminds us of the first principles of our Nation and of our Nation's special commission in the affairs of men. While Texas may be the only State in the Union that celebrates the anniversary of Juneteenth, the entire country, and indeed all of the civilized world, celebrates its legacy.

Man is born to be free. That is not an idea, it is the truth, absolute and without exception. But like all truths, freedom is almost never easy. It took wars to extricate ourselves from Britain, to free the slaves, to rid the world of fascism, and 40 years on the brink of nuclear holocaust to defeat Soviet communism.

So it takes war now to free the civilized world from the threat of international terror. The price of freedom is internal vigilance, and even a cursory survey of American history shows that price is a bargain.

#### DEEPLY PARTISAN BIAS ON SUPREME COURT

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am moved this week after the death of President Reagan to quote him, "There they go again."

The "they" in question are the three extremely conservative members of the U.S. Supreme Court who are, of course, entitled to their extreme conservatism, Justices Scalia, Thomas and Rehnquist; but, they are really not entitled to partisanship. Despite that, they have shown it.

The Colorado Supreme Court, acting in accordance with wrong, uncontroversial constitutional doctrine, interpreted the Colorado Constitution to mean that the Colorado legislature could not reopen redistricting for partisan advantage 2 years after they had originally had redistricting in the State. It is a very strongly held doctrine in America that a State Supreme Court is the final arbiter of its own State Constitution.

The Colorado Republicans, looking for the kind of partisan advantage that the Texas counties were able to get, appealed that decision to the U.S. Supreme Court. No one thought it was much of a serious appeal. Fortunately, six members of the Court held true to constitutional doctrine and voted not to take the case so it was not taken. But three members of that Court, defying long-standing constitutional tradition, voted to take the case. It was a case brought by Colorado Republicans to try to gain partisan political advantage; and surprise, surprise, they got the votes of Scalia, Rehnquist and Thomas.

Mr. Speaker, the worst of it is I am not sure they were being consciously partisan. I think the bias, the deeply partisan bias that has crept into those three is so strong that they, in fact, can do this without realizing it.

Once again we have seen from those three justices a hypocritical preference for partisan advantage over the kind of constitutional purity that they claim to follow but rarely do.

Mr. Speaker, I will include for the RECORD in the Extensions of Remarks an editorial from the New York Times on this subject.

#### GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 4567, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 675 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4567.

□ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further 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, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on the legislative day of Thursday, June 17, 2004, amendment No. 3 by the gentleman from New York (Mr. SWENEY) had been disposed of and the bill was open for amendment from page 22, line 22, through page 25, line 20.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 22, line 25, after the dollar amount in each place, insert "(increased by \$20,000,000)".

Page 29, line 1, after the dollar amount, insert "(reduced by \$20,000,000)".

□ 0915

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am proposing an opportunity for really securing the homeland and, that is, my amendment proposes to re-fund the Citizen Corps where H.R. 4568 purported to create a shortfall in the amount of almost \$19 million. The President of the United States proposed that that amount would be at least \$40 million. In order to account for this proposed shortfall, I have increased this appropriation by \$20 million.

The Citizen Corps program was launched by President George W. Bush during the 2002 State of the Union address as part of the USA Freedom Corps Initiative to engage Americans in volunteer service. In only 2 years, nearly 1,000 communities around the country encompassing 40 percent of the U.S. population established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and to make our communities safe. Fifty-two States and territories also formed state-level Citizen Corps Councils to support local efforts.

I would say, Mr. Chairman, that that is not enough. Supporting the Citizen

Corps concept, a recent opinion poll shows that Americans are interested in volunteering to help their local community emergency service providers such as law enforcement, fire, emergency medical services, or with organizations that focus on community safety such as the American Red Cross or Neighborhood Watch. Forty percent of those polled answered that they would be willing to volunteer. In addition, nearly two-thirds of respondents believed it is important for neighborhoods to have a way to work together on emergency preparedness.

Mr. Chairman, in our authorizing committee, the Select Committee on Homeland Security, we have discussed, and I have discussed, and amended several of our legislative initiatives to include reinforcing and expanding our Citizen Corps. If we really want to secure the homeland and if we really believe that the homeland is outside our parameters, going into rural areas, going into villages, going into small communities as well as urban centers, then Citizen Corps is the way to do it. It establishes a base in which to encourage and educate and prepare our citizens for any terrorist act that may occur.

I have heard many individuals say that the way to secure the homeland is to keep the terrorists out, and they are absolutely correct. But no proposition has 100 percent protection and no proposition is 100 percent correct. I certainly agree in securing the homeland by keeping the terrorists out before they even arrive on our shores; but clearly in order to have a truly secure homeland, we must secure our neighbors and neighborhoods. Our families need to be aware of the threats that exist from abroad. Homeland security is a very important issue that we may not think about in our daily lives.

I am reminded of Houston, maybe not unlike many cities in the United States on 9/11, not knowing what might occur, poised for the worst. In the instance of Houston, Texas, for example, there were rumors that planes were headed to the city of Houston because of its refineries. As I called down to the mayor of the city of Houston on that day to find out if the city, in essence, was okay, knowing that my family was there and others of my neighbors and constituents, as other Congress Members were concerned about their neighborhoods and cities and towns, I was told that there was, in essence, confusion as there was in every city, what to do with school children, whether parents should come and get them or not, whether people should stay in place, whether downtown Houston should close down, what should be done in our refinery areas and oil-producing areas.

We need to respect the local needs and what our families need, but we also need to educate our community. I along with fellow Democratic members of the committee worked to introduce a bill entitled Preparing America to Respond Effectively Act of 2003, or the

PREPARE Act. This bill was a comprehensive attempt to prepare our local first responders for potential acts of terrorism.

Among the provisions are those that are proposed to improve funding mechanisms, bolster information sharing, enhance threat warnings, communications and equipment interoperability, and to integrate private companies and the public into distinct response plans. The main provisions of the PREPARE Act were incorporated into a larger bill from the entire committee, H.R. 3266, the Faster and Smarter Funding for First Responders Act of 2003, which was reported favorably out of the House select committee and was just reported favorably out of the Committee on the Judiciary today.

Also incorporated in the bill under section 8 is an amendment that I offered that deals with the mobilization and utilization of a Citizen Corps that will allow families to get information and terror threat directives in a timely fashion without having to go through layers of administration. The Houston branch of the Citizen Corps Council is headquartered in Harris County, which is in southeastern Texas. The key element, of course, however, is to ensure that all local communities are safe. My example is due to its close proximity to the Gulf of Mexico; this legislation is needed.

Let me just conclude, Mr. Chairman, by saying that I would hope that we would support securing our citizens by providing these resources for them in this appropriation. I ask my colleagues to support this amendment.

Mr. Chairman, I rise to discuss the base bill, H.R. 4567, and to offer an amendment. I understand that the Department of Homeland Security (DHS), "in an effort to streamline funding and to enhance the coordination and administration" of 3 programs that include the Citizen Corps Program, has conglomerated the State Homeland Security Program (SHSP), the Law Enforcement Terrorism Prevention Program (LETPP), and the Citizen Corps Program into one application.

However, I also understand from the committee reports of this Subcommittee (page 70 of report 108–51) that H.R. 4567 proposes to decrease the Citizen Corps Program by \$19,764,000. Therefore, it seems that the "conglomeration" effort by DHS has facilitated the weakening of a lifeline for our local community forces.

The Jackson-Lee Amendment (JACKSO.224) proposes to re-fund the Citizen Corps where H.R. 4567 purported to create a shortfall from the amounts provided in FY 2004 and \$30,000,000 below the President's request.

In order to account for this proposed shortfall, the Jackson-Lee amendment increases the State and Local Programs account found in Title III, Preparedness and Recovery (page 22, line 25) by \$20,000,000 and decreases the National Pre-Disaster Mitigation Fund, also found in Title III (page 22, line 25) by the same amount.

The Citizen Corps program was launched by President George W. Bush himself, during the 2002 State of the Union address as part

of the USA Freedom Corps initiative to engage Americans in volunteer service.

In only 2 years, nearly 1,000 communities around the country, encompassing 40 percent of the U.S. population established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and make our communities safer. Fifty-two states and territories also formed State level Citizen Corps Councils to support local efforts.

Supporting the Citizen Corps concept, a recent opinion poll shows that Americans are interested in volunteering to help their local community emergency service providers, such as law enforcement, fire, or emergency medical services, or with organizations that focus on community safety, such as the American Red Cross or Neighborhood Watch. Forty percent of those polled answered that they would be willing to volunteer. In addition, nearly two thirds of respondents (63 percent) believe it is important for neighborhoods to have a way to work together on emergency preparedness.

Our families need to be aware of the threats that exist from abroad. Homeland Security is a very important issue that we may not think about in our daily lives.

With respect to our local needs and what our families need to think about in the very immediate future, I have worked in the House Select Committee on Homeland Security to craft legislation that aims at strengthening the first responders. I, along with my fellow Democrat Members of the Committee, worked to introduce a bill entitled the "Preparing America To Respond Effectively Act of 2003," or the "PREPARE Act." This bill was a comprehensive attempt to prepare our local first responders for potential acts of terrorism. Among the provisions are those that propose to improve funding mechanisms, bolster information sharing, enhance threat warnings, communications, and equipment interoperability, and to integrate private companies and the public into distinct response plans.

The main provisions of the PREPARE Act were incorporated into a larger bill from the entire Committee, H.R. 3266, the "Faster and Smarter Funding for First Responders Act of 2003," which reported favorably out of the House Select Committee and just reported favorably out of the Judiciary Committee today. Also incorporated in the bill under section 8 (page 51, as reported by the Select Committee on Homeland Security) is an amendment that I offered that deals with the mobilization and utilization of a "Citizens Corps" that will allow families to get information and terror threat directives in a timely fashion and without having to go through layers of administration.

The Houston branch of the Citizen Corps Council is headquartered in my Congressional District, Harris County, which is in southeastern Texas, comprises 1,779 square miles, and encompasses the city of Houston, 32 additional smaller cities, and is the home for nearly 4,000,000 residents. Harris County is the third most populous county in the United States and one of the most culturally diverse.

Due to its close proximity to the Gulf of Mexico and its topography, Harris County is prone to flooding and ongoing hurricane and tropical storm threats. In June 2001, Harris County was pummeled by tropical storm

Allison's tidal surge and the 20 inches of rain she dropped on Harris and neighboring counties. The storm took 22 lives and caused an estimated \$5 billion in damage.

Harris County is also home to numerous potential terrorist targets:

The Port of Houston, which ranks first in the United States in foreign waterborne commerce, is the leading domestic and international center for almost every segment of the oil and gas industry and houses almost half of the Nation's petrochemicals manufacturing capacity;

The Texas Medical Center, with 42 member institutions, provides leading medical care to people from all over the world and is the world's largest medical complex serving more than 70,000 daily;

The Johnson Space Center, home of NASA's manned space program;

The fourth largest airport system in the country, with more than 43,000,000 passengers traveling through its three area airports to domestic and international destinations;

Three national sport arenas hosting thousands of fans for popular events; and

A nuclear power plant located approximately 70 miles from the county.

Due to the early attention to defining roles and responsibilities, the Harris County Citizen Corps Council has the full support of the area's first responders and has expanded their coordination of volunteer and first responder services through the Houston-Galveston Area Council, a 13-county regional planning organization.

As a result of this close collaboration, the Harris County Fire Marshall's Office and the Harris County Health Department were able to plan and execute full-scale disaster response drills that tested the skills and preparedness levels of the entire Harris County emergency medical response community.

The Citizen Corps and the Citizen Corps Council clearly serves a vital role for our local communities. Underfunding it in the appropriations process or cutting it out will serve to impede progress that has been made to make our communities safer and more prepared for terrorist attack.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is simple. It takes \$20 million out of a very important program that cannot afford it and gives it to a program that does not need it. The \$20 million the gentlewoman would put in the Citizen Corps comes from the Flood Map Modernization Fund, a program that is critical to our communities and our individuals. These monies are for a 5-year, \$1 billion program to update and modernize the 100,000 aging flood maps nationwide which affects hundreds of thousands of people. It is already underfunded. So we cannot afford to take money out of that.

We include in the bill \$20 million for the Citizen Corps. However, Mr. Chairman, they have got \$51 million laying around unused which is way more than they need. There is \$51 million in the pipeline all the way back to 2003 that has not been used, and so there is plenty of money there, and we do not want to take the money from the Flood Map Modernization Fund that is critical to so many people in this country.

I oppose the amendment and urge Members to oppose it.

Mr. SABO. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment. The amendment is well-intentioned. However, one of the problems we have in this bill constantly is that while we call it homeland security, it incorporates many pre-existing programs that provide very crucial and important services in this country. One of the things that we have been involved with for a long, long time through FEMA is dealing with floods. The mapping program is already reduced from last year's level, and this would be another \$20 million reduction in that very important program. I think while the amendment is well-intentioned, where the money comes from does not make sense to me.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the requisite number of words.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlewoman for yielding, and I appreciate the comments of the ranking member and the chairman.

Mr. Chairman, let me just note that the money for flood mapping which is coming from Harris County and coming from Houston to my county governments and my city governments, I am fully aware of the importance. That funding is at \$151 million. I would just ask my county and my cities who may be concerned about the \$20 million to remember that this request goes to Citizen Corps groups and first responders, to help secure their local areas.

These dollars can be utilized in enhancing volunteer fire-fighting departments and other support services that the Citizen Corps might desire in order to enhance the security. An informed public, an organized public, a ready public is a crucial part of securing the homeland. I truly believe that the mapping question is important. Who better than those who are in the flood areas, if you will, like Houston which is 50 feet below sea level understand those questions. Many jurisdictions are working on those issues on their own. I would encourage the county governments and city governments who may be concerned to work with me on this. But I would just say to my colleagues that this is an important initiative for the Citizen Corps effort and to be able to strengthen this commitment for our neighborhoods.

I would ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE). The amendment was rejected.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LORETTA SANCHEZ of California:

Page 23, line 14, before the semicolon insert the following: "Provided further, That the Office for State and Local Government Coordination and Preparedness shall ensure that States disburse grant funds obligated to a local government by not later than 15 days after receipt of an invoice for an authorized outlay by the local government".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order. We have not seen the amendment. We have no idea what this is.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to introduce a very important amendment to H.R. 4567. My amendment would make sure that our firefighters, law enforcement officers, and emergency medical personnel or other first responders are actually receiving the terrorism preparedness grant money that the Department of Homeland Security promises to them. The amendment would require States to distribute the already-approved grant money to those first responders no more than 15 days after the States receive the receipts for equipment, training or the other purchases approved under the grants from the local first responders.

The homeland security appropriations bill in its current form would allocate \$1.25 billion for formula-based grants. Yet the bill does not spell out the requirements for making sure that the money gets down to our first responders, to our police officers, to our firefighters, to our hospitals and emergency medical personnel.

As we all know, these first responders are not receiving their promised funds to fulfill their mandate to protect our homeland. In some cases, the State is holding tight onto the money. In other cases the local responders do not understand the very complicated process that has been set up for actually receiving those grant dollars from the States. I believe that we need to have a system to verify that critical homeland security money is making its way through the pipeline. That is the biggest criticism that I have heard, that the money is not getting down to the people who have already spent their own money and are supposed to be reimbursed from the Federal Government. My amendment would make such a system possible.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill in violation of clause 2 of rule XXI which states, in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law by imposing additional duties."

I ask for a ruling from the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I am willing to withdraw my amendment, but I think this is a very important point. I just held for all of the membership here about 10 days ago a meeting with first responders. The answer is always the same. The money is taking too long to come down into the local hands.

Mr. ROGERS of Kentucky. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's withdrawing the amendment? Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), \$600,000,000, to remain available until September 30, 2006: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration.

#### COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, \$10,000,000, to remain available until expended: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

#### EMERGENCY PREPAREDNESS AND RESPONSE

##### OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), \$4,211,000.

##### PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, \$210,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

##### ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, \$203,939,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et

seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405, 411), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed \$4,000 shall be for official reception and representation expenses.

#### PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$34,000,000.

#### DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$2,042,380,000, to remain available until expended.

##### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$567,000: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

#### FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$150,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

##### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2005, as authorized by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106-377), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2005, and remain available until expended.

#### NATIONAL FLOOD INSURANCE FUND

##### (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed \$33,336,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed \$79,257,000 for flood hazard mitigation, to remain available until September 30, 2006, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2006, and which amount shall be derived from offset-

ting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided*, That in fiscal year 2005, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$562,881,000 for agents' commissions and taxes; and (3) \$30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

#### NATIONAL FLOOD MITIGATION FUND

##### (INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$20,000,000, to remain available until September 30, 2006, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$20,000,000 shall be derived from the National Flood Insurance Fund.

#### NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That, notwithstanding section 203(f) of such Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

□ 0930

#### POINT OF ORDER

Mr. LATOURETTE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LATOURETTE. Mr. Chairman, I make a point of order against Page 31, Line 11, beginning with the words "provided further" through the word "funds" on Line 15.

This section violates clause 2 of rule XXI. It changes existing law, therefore constitutes legislating on an appropriations bill in violation of the House rules.

The CHAIRMAN. Are there other Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the proviso explicitly supersedes existing law. The proviso, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the proviso is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

#### EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

#### TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

##### CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$160,000,000.

FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

## SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code, \$183,440,000, of which up to \$36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2006; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,  
AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$37,917,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE  
PROTECTION

## MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$132,064,000: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

## AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABO:

Page 33, line 26, insert before the period the following:

: *Provided further*, That of the total amount provided under this heading, \$5,000,000 shall be for the Under Secretary to prepare an analysis of requiring key resources and critical infrastructure to provide information related to actual and potential vulnerabilities to ensure that the Department has timely and efficient access to such information, as authorized by section 201(d) of such Act (6 U.S.C. 121(d))

Mr. SABO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, this amendment provides \$5 million for the

Department of Homeland Security to analyze whether critical infrastructure facilities should be required to provide information about their security vulnerabilities to the Department.

These resources are needed because the Bush administration is not working aggressively enough with the owners of critical infrastructure such as chemical plants to identify and address security issues. This modest amount of money to focus the analysis on vulnerable facilities could save us countless lives and resources in the future.

The Department currently lacks meaningful security information on these facilities and is in no hurry to collect it or require it to be provided. Under its current plan, the Department will take years to gather information for all of the 30,000 entities classified as critical infrastructure. In fact, this year DHS only plans again to gather information on 4,000 such entities.

For one sector of the U.S. critical infrastructure, chemical facilities, the General Accounting Office found that no comprehensive information exists on the industry's security vulnerabilities, and many facilities have neither assessed their vulnerabilities nor improved their security.

This is the state we are in today, despite years of warnings from experts and the FBI having identified chemical facilities as clear terrorist targets. According to GAO, there are 709 chemical facilities in the U.S. where a "worst case" release would affect 100,000 or more Americans.

Members may want to take a close look at this map to see where these facilities are located in their States. There are about 2,300 more facilities where a "worst case" chemical release could affect over 10,000 people and about 15,000 chemical facilities that use or store at least one of 140 hazardous chemicals.

In an appropriations hearing this spring, the Under Secretary responsible for infrastructure protection described what the Department has been doing to address security concerns. He said: "When we visited in the first round, we were first about helping them assess the situation . . . we have returned in personal visits or in a conference call and attempted to start to develop plans, what I call operational plans, to truly improve the security of the facility."

Conference calls to develop security plans? Are we really serious? More than 2½ years after 9/11 the Bush administration still thinks that improved chemical facility and critical infrastructure security can be controlled.

I think that the Department should be reviewing vulnerability assessment, not conducting them. That is the heart of what we are saying here. The Department should be reviewing vulnerability assessments done by the plants, not conducting them. They should be reviewing security plans, not making them. They should be checking on facilities to make sure that the security

improvements identified in the plans are made.

Is this something unique, something new? No. The fact is the Federal Government already requires such security measures for ports, water utilities, and, believe it or not, chemical facilities that have water access. So if their chemical plant has water access, the requirements to do vulnerability assessments exists; if they are not on a waterway, then it does not exist. For some reason unknown to me, we do not require them for these other critical infrastructures.

While I prefer to offer an amendment that requires such assessments and security plans to be provided for Department review, it would not be in order. However, at a minimum the Department should seriously evaluate the path it takes in gathering this critical infrastructure information. I urge the Members to support this crucial amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Sabo amendment.

Coming from an area where chemical plants and facilities are proliferating and are long-time existing, the whole question of analysis and threat assessment is extremely important, and I would ask my colleagues to support the Sabo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF  
TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 33, line 24, after the dollar amount insert the following: "(reduced by \$10,000,000)".

Page 34, line 22, after the dollar amount insert the following: "(increased by \$10,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I really hope my colleagues will understand that homeland security is rooted in our communities, and this amendment encompasses universities, colleges, and rural communities where local community colleges are placed.

This bill embraces historically black colleges and Hispanic-serving institutions to be able to be on the frontlines of homeland security. This amendment takes simply \$10 million from the Information Analysis and Infrastructure Protection, the IAIP. It adds these moneys to allow historically black colleges and Hispanic-serving institutions to be able to assist their rural and local communities in securing the homeland in training first responders, in training those individuals on the frontline.

As a letter coming from our community college system says, the tragic events of 9/11 have placed a tremendous demand on these institutions to train individuals and to do research as it relates to first responder roles and first

responder responsibilities. The students aspire to serve in this capacity and help to serve their communities by protecting the homeland. Training those first responders as well as researching the area of the homeland security can be valuable to these older students and these students who may not have an opportunity but yet live in poor communities and rural communities.

A letter from the National Association of Historically Black Colleges, NAHEO, says that the Jackson-Lee amendment provides and can help to serve as the epicenter for their communities, many of which are distressed and underserved, and that is historically black colleges. This amendment "will afford HBCUs, HISs and community colleges an opportunity to play an important and valuable role in the mission to keep America safe."

This would increase the Research, Development, Acquisition and Operations account, as I indicated, by a very mere amount. To offset this proposed increase, this money, as I said, would be taken from an account that deals with salaries and expenses. These colleges then would be able to be on the frontline.

Recently Texas A&M University was awarded a \$20 million to fund its National Response and Rescue Training Center under the "Centers for Excellence" program. While I believe this is very important, I am also aware that these colleges offer the same opportunity. Research laboratories, training, information technology, publishing and dissemination can be part of the resources utilized for HBCUs and HISs and community college systems to ensure that they too will be able to be a resource for their neighborhoods and their cities and their county government to train and to send students out proficient in the efforts of homeland security.

The community college systems are able to be close to the neighborhoods and close to the cities and close to the population. They can engage in EMT training. They can engage in firefighting training. They can engage in the training for various public health clinics that would then be on the frontlines in case of a smallpox outbreak.

We noticed that older neighborhoods, older communities, poor communities are as vulnerable as would be our large areas. These community colleges and historically black colleges will provide the opportunity in the community to assess threat, to work with our Federal Government on threat assessment and to work with our cities again and our neighborhoods.

In Houston, for example, there are what we call neighborhood organizations that are trying to organize and educate communities about safety. Community colleges placed all over the country would be well placed to train neighborhoods in safety procedures, far more better equipped than doing this in Washington, DC.

So the idea of this amendment is to bring homeland security closer to our communities and ensure that colleges around the Nation, and what we call community colleges, one of the most local systems of education in our Nation, our local community colleges would have the ability to be able to participate in homeland security.

□ 0945

Let me conclude by saying one of the important components to homeland security would be our county officials and our city officials and the officials in our villages and rural areas. This amendment allows those colleges, well-situated throughout the South, for example, throughout the Midwest, to be able to interface with our county and our city officials, helping to devise threat assessment plans, helping to devise training plans, helping to devise research plans and interfacing with our Federal Government, providing more training for our first responders.

This amendment with its small amount puts homeland security on the frontlines with our colleges and our Historically Black Colleges and Hispanic-serving Universities. I ask my colleagues to support the amendment.

Mr. Chairman, I rise to discuss the base bill, H.R. 4567 and to offer an amendment. The Jackson-Lee Amendment would increase the Research, Development, Acquisition and Operations account under Title IV, Research and Development, Training, Assessments, and Services by 10,000,000 to assert the need to give Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HISs), and community colleges an opportunity to support and enhance the efforts of the Department of Homeland Security on a more fair scale.

To offset this proposed increase, the Information Analysis and Infrastructure Protection Management and Administration account under the same title (line 24) would be reduced by the same amount.

America's 110 HBCUs, 242 HISs, and 1,166 Nationwide community college systems have a unique and important role in serving our communities, especially in the area of research and development of homeland security-related programs and services.

Recently, Texas A&M University was awarded a \$20 million award to fund its National Response and Rescue Training Center under the "Centers for Excellence" program. TAMU is part of the National Domestic Preparedness Consortium which is scheduled to receive \$80 million in funding for homeland security programs nationwide under this bill. TAMU will receive one quarter of these total funds!

While I congratulate TAMU on this success, I contrast this with the fact that I have not seen similar awards made to the HBCUs, HISs, and community college systems.

When I visited Doha, Qatar, TAMU opened its engineering school under the "Education City" umbrella. Unfortunately, no HBCUs, HISs, or community college made it under that umbrella. This amendment today seeks to try to address this problem and to encourage the participation of these schools.

These institutions have unique capabilities designed to serve as local, State and regional

centers for the delivery of technical, logical, and support services, including, but not limited to the following:

Training and Conference Facilities—Conference management;

Research Laboratories—Assessment/evaluation, Systems architecture and engineering, Project assessment, Strategic planning;

Information Technology—Wireless connectivity, Software development, Technical, logistical and support services;

Dormitory Facilities—Emergency housing;

Publishing and Dissemination—Materials development, Document preparation.

Regional funding for HBCUs, HISs, and community college systems can ensure equipment compatibility through the development of common standards, provide access to local, State and regional training sites, standardize training material and workshop content, assist with response plan development and updating, create information sharing networks, design or redesign software and related technologies, and assist with the strategic planning process and information dissemination.

In collaboration, with state and local governments, the HBCUs, HISs, and community colleges would establish specific, flexible and measurable terrorism preparedness capabilities. Areas of funding could include examination of the availability and competence of emergency personnel, planning, training and/or equipment.

Example projects could include a rapidly deployable regional wireless pilot system that provides interoperable with existing infrastructures; development of a chain of custody model for our food supply from the grower to the consumer with monitoring technology; and develop a scalable pilot nationwide command control system that can interface with existing public and private infrastructure.

The Houston Community College (HCC) System in Houston, Texas requested \$16 million from this Committee to fund the construction of its Houston Community College Public Safety Institute (PSI). That has not been responded to, however this would help with programs at these colleges regarding homeland security. To help meet Houston's Homeland Security needs, HCC currently trains over 250 EMTs, 300 firefighting cadets, and 200 police cadets annually. HCC facilities are currently used to train an additional 1,000 police and firefighters, and the PSI would serve an additional 2,000 local police, firefighter, and EMT personnel. The proposed \$40 million, 25-acre complex will represent the cooperative relationship between Federal, State, and local law enforcement needed to ensure the Nation's domestic security.

Houston is currently the only city in America that meets each of the 15 Federal threat criteria for a terrorist attack. Therefore, the model for a coordinated public safety system is extremely important.

In order to further advocate this important cause, I plan to offer a proposal to the Department of Homeland Security (DHS) authorization bill that will put an overall initiative in motion to really utilize the vast resources, skills, energy, and creativity that is to be found in our HBCUs, HISs, and community colleges.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment. This amendment earmarks \$10 million within the Science



and Technology account for specific institutions of higher learning.

Mr. Chairman, we have studiously and steadfastly avoided all earmarks in this bill. There are none. This would be an earmark. For that reason, I have to oppose it. The University Centers of Excellence awards are made on a competitive basis and should stay that way.

All universities and colleges in the United States can apply, including Historically Black Colleges and Universities, Hispanic-serving institutions and community colleges. Universities and colleges can apply singly or together as part of a consortium, pooling the talents of several higher-learning institutions. The recent Center of Excellence award on agroterrorism to the University of Minnesota includes Tuskegee University, a Historically Black University, as one of its partners.

The S&T university program has been proactive in reaching out to minorities. S&T encourages the Center of Excellence competitors to partner with minority institutions. They are setting up a program for partnering university minority faculty with national labs for fellowships and internships. A new Center of Excellence award on emergency preparedness and response will be targeted to the urban community, with the intent of reaching more institutions with minority populations. This center will focus on training for emergency preparedness.

The competition element, Mr. Chairman, is critical to bring together the Nation's best experts and focus its most talented researchers on science and technology solutions to combat terrorist threats against this Nation from wherever they come.

It is absolutely critical to the security of the country that the Department of Homeland Security is able to utilize the best science that the Nation has to offer, be it private sector technology, national labs, or our great universities and colleges. The best way to identify that talent is through open competition, not earmarks, which this amendment would do. For that reason, I urge Members to reject the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, having heard the chairman's explanation, I was wondering if the gentlewoman from Texas could respond.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Virginia. I am prepared to respond.

I thank the distinguished chairman, because I know that the ranking member and the chairman have worked very hard. But it is well known that it is very difficult for the Historically Black Colleges and Hispanic-serving

colleges to be competitive in the process he just enunciated. This is expanding the pot in a very narrow way. Frankly, what it does is it says we all comprehensively are valued in the homeland security effort.

You will note that Historically Black Colleges, 242 of them, are located in heavily rural areas. The impact that they have is far-reaching. I heard a colleague on the House say not to leave out the rural areas as it relates to homeland security, not to leave out the agricultural chain, if you will, in homeland security.

Many of our Historically Black Colleges, such as the colleges in Mississippi and Alabama and Georgia, are located many times in rural areas and deal as their basis of research and training in the agriculture industry. Their participation in an effort to secure the homeland where they can participate in the fullest manner, I think, is not too much to ask of my colleagues on the floor of the House today.

This also impacts Hispanic-serving institutions. One of the issues that is key in securing the homeland is responding to our diverse population. Hispanic-serving institutions would have the better ability by language to be able to communicate with those individuals by training, by research, by investment, those individuals who may speak at this time a different language.

So I would respectfully suggest that the funding that has been placed in this bill, though it is certainly responsible and respectful, it does not go to those who have had a very difficult time competing in the large sphere against major universities and institutions far larger than them.

I think if we look at the grant assessment or the grant awarding and balance it alongside of the major institutions in many of our communities, we are respectful of many of those institutions in our communities. The large ones we are very knowledgeable about. We call them the multiplex or multinational universities. They are by far able to surpass some of these Historically Black Colleges.

I have a letter of support on this amendment from the national association of organizations dealing with black colleges, NAFCO, that welcomes the opportunity to participate, 118 historically and predominantly black colleges, along with the representatives from the community college sector. What they simply say is, we are the little guy.

Let us help out the little guys. The little guys need help. This is not to say that this is a handout, because we know that homeland security is too serious for that, but in fact because it is needed and because these individual colleges, small colleges, Historically Black, Hispanic-serving, can serve in the community, work on homeland security and really do what we are trying to do on the floor of the House today, which is to ensure that we have a

strong Citizen Corps, to ensure that we have the first responder system. This can be worked out of this, giving them greater assistance by helping to secure the homeland, by training first responders right in the neighborhood, and working on research opportunities and training opportunities.

I thank the distinguished gentleman for yielding. I ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The Clerk will read.

The Clerk read as follows:

#### ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$722,512,000, to remain available until September 30, 2006.

#### SCIENCE AND TECHNOLOGY

##### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$68,586,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

##### RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$1,063,713,000, to remain available until expended.

#### TITLE V—GENERAL PROVISIONS

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503 (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1)

creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; unless both Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this subsection shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations for salaries and expenses for fiscal year 2005 in this Act shall remain available through September 30, 2006, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of an Act authorizing intelligence activities for fiscal year 2005.

SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Commit-

tees on Appropriations of the Senate and the House of Representatives not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling \$1,000,000 or more is announced by the Department or its directorates from: (1) any discretionary or formula-based grant program of the Office for State and Local Government Coordination and Preparedness; (2) any letter of intent from the Transportation Security Administration; (3) any port security grant; or (4) awards for Homeland Security Centers of Excellence: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center shall ensure that all training facilities under the control of the Center are operated at optimal capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. None of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

- (1) negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items; or
- (2) space for necessary security checkpoints.

SEC. 512. (a) None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

(b) None of the funds in this Act may be used to procure articles, materials, or supplies for public use, or to enter into a contract for the construction, alteration, or repair of a public building or public work, pursuant to an exception set forth in section 2 of section 3 of the Buy American Act (41 U.S.C. 10a et seq.) until—

(1) a notification of the intent to apply such exception is submitted to the Committees on Appropriations of the Senate and the House of Representatives; and

(2) a period of 15 days has expired after the date on which such notification is so submitted.

(c) The Inspector General of the Department of Homeland Security shall conduct audits of contracts entered into by the Department of Homeland Security during a fiscal year for purposes of determining compliance with the Buy American Act (41 U.S.C. 10a et seq.). The Inspector General shall submit to the Committees on Appropriations of the Senate and the House of Representatives

an annual report on the results of the audit. The report shall be submitted at the same time the President submits to Congress the budget for a fiscal year and shall cover the same fiscal year. The first report under this subsection shall be submitted with for fiscal year 2006.

SEC. 513. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: *Provided*, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft: *Provided further*, That the Secretary shall amend Security Directives and programs in effect on the date of enactment of this Act to, at a minimum, double the percentage of cargo inspected on passenger aircraft.

SEC. 514. Notwithstanding sections 524, 571, and 572 of title 40, United States Code, the Secretary of Homeland Security may sell the Bolingbrook family housing area in Bolingbrook, Illinois, the Prairie View family housing area in Prairie View, Illinois, the Chapel Hill Rear Range Light in Leonardo, New Jersey, and the Richmond Heights housing complex in Miami, Florida: *Provided*, That to the extent the sale proceeds exceed the 10 year statistical average of proceeds from Coast Guard property sales as determined by the Office of Management and Budget, the sale proceeds in excess of that average shall be credited to an account of the Coast Guard and be available for the Coast Guard.

SEC. 515. (a) ESTABLISHMENT OF CHIEF PROCUREMENT OFFICER.—The Homeland Security Act of 2002 is amended as follows:

(1) In section 103(d) (6 U.S.C. 113(d)), by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

“(5) A Chief Procurement Officer.”.

(2) By redesignating sections 705 through 706 (6 U.S.C. 345–346) in order as sections 706 through 707, and by inserting after section 704 the following:

**“SEC. 705. CHIEF PROCUREMENT OFFICER.**

“The Chief Procurement Officer appointed under section 103(d)(5) shall report to the Secretary.”.

(3) In the table of contents in section 1(b), by striking the items relating to sections 705 through 706 and inserting the following:

“Sec. 705. Chief Procurement Officer.

“Sec. 706. Establishment of Officer for Civil Rights and Civil Liberties.

“Sec. 707. Consolidation and co-location of offices.”.

(b) REPORTING BY CHIEF FINANCIAL OFFICER AND CHIEF INFORMATION OFFICER.—Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342, 343) are amended by striking “, or to another official of the Department, as the Secretary may direct” each place it appears.

SEC. 516. The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

SEC. 517. (a) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by inserting after section 4494 the following new section:

**“§ 4494. Disposition of unclaimed money**

“Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport



security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.”.

(b) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.

(c) CLERICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by adding the following new item after the item relating to section 44944:

“44945. Disposition of unclaimed money.”.

SEC. 518. Notwithstanding section 3302 of title 31, United States Code, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for the lease of real and personal property for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 519. The acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 520. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, competitive service positions within the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided*, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section.

SEC. 521. Section 312(g) of the Homeland Security Act of 2002 (6 U.S.C. 192(g)) is amended to read as follows:

“(g) TERMINATION.—The Homeland Security Institute shall terminate 5 years after its establishment.”.

SEC. 522. Section 311(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 191(c)(2)) is amended to read as follows:

“(2) ORIGINAL APPOINTMENTS.—The original members of the Advisory Committee shall be appointed to three classes. One class of six shall have a term of 1 year, one class of seven a term of 2 years, and one class of seven a term of 3 years.”.

SEC. 523. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 524. None of the funds in this or previous Appropriations Acts may be obligated

for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) until the Secretary of Homeland Security has certified that the requirements of paragraphs (1) through (8) of subsection (a), and the requirements of subsection (b), of section 519 of Public Law 108-90 have been met and the General Accounting Office has reviewed such certification: *Provided*, That the Secretarial certification and General Accounting Office review shall explicitly include the efficacy and accuracy of any algorithms contained within CAPPS II to predict the likelihood of a passenger's association with terrorists: *Provided further*, That the Secretarial certification is not delegable.

SEC. 525. None of the funds appropriated in this or any other Act may be used by the Undersecretary for Management, the Chief Financial Officer, or the Office of Management and Budget for the purpose of reviewing or altering any report directed to be submitted to the Committees on Appropriations in this Act and its accompanying report. This section shall only apply to those reports related to the operations, programs, and activities of the Department of Homeland Security.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to this portion of the bill?

#### POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against section 524.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against page 47, line 6, beginning with “and the” through line 13.

This provision violates clause 2 of rule XXI. It changes existing law, and therefore constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Are there other Members desiring to be heard on the point of order?

Mr. SABO. Mr. Chairman, this is a provision that fundamentally continues what is existing law that is applied for this. I think it is unfortunate that the point of order is raised. I think this amendment deals with some of the most sensitive privacy issues that are involved with the Department of Homeland Security. On the other hand, I understand that this is legislation in the bill, and, unfortunately, it is being struck.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the specified portion of the section imposes new duties and therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and that portion of the section is stricken from the bill.

#### POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise points of order against section 512, subsections (b) and (c), section 514 and section 525 on the grounds that these provisions change existing law in violation of clause 2(b) of House rule XXI and therefore are legislation included in a general appropriation bill.

The CHAIRMAN. Is there further discussion on the points of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I will only make a brief statement in regards to the gentleman from Tennessee (Mr. WAMP), who serves on our subcommittee, who has been so active on this issue. He has been a leader in the whole Congress on Buy-America issues through diligent efforts on his part to make sure that companies that manufacture goods and supplies must comply with the Buy-America Act.

I regret that this provision is being probably stricken from the bill, but the work of the gentleman from Tennessee (Mr. WAMP) on this issue must go as noted, because it certainly has been a labor of love on his part, and a very effective one.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have discussed this with the gentleman from Tennessee. We are uncomfortable, as the gentleman knows, with the reporting requirements just through appropriations. We would want to include the committee which has jurisdiction over Buy-America, which is ours. We cannot rewrite this, but I pledge to work with the gentleman as we move forward on these issues.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that sections 512(b) and (c) impose new duties on the Inspector General of the Department of Homeland Security, that section 514 explicitly supersedes existing law, and that section 525 addresses funds in other acts. Therefore, each of the provisions constitutes legislation in violation of clause 2 of rule XXI. The points of order are sustained and the provisions are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 526. (a) CLARIFICATION OF PROHIBITION ON CONTRACTING WITH FOREIGN INCORPORATED ENTITIES.—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period “, or any subsidiary of such an entity”;

(2) in subsection (b)(1), by inserting “before, on, or” after the “completes”;

(3) in subsection (c)(1)(B), by striking “which is after the date of enactment of this Act and”;

(4) in subsection (d), by striking “homeland” and inserting “national”.

(b) PROHIBITION ON ORDERS UNDER TASK AND DELIVERY ORDER CONTRACTS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is further amended by adding at the end the following new subsection:

“(e) TASK AND DELIVERY ORDERS.—After the date of the enactment of this subsection,

no order may be issued under a task and delivery order contract entered into by the Department of Homeland Security before, on, or after the date of the enactment of this Act if the contractor for such contract is treated as an inverted domestic corporation under subsection (b).''

## POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 526(b) of H.R. 4567 on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI, and therefore is legislation included in a general appropriations bill.

The CHAIRMAN. Is there further discussion on the point of order?

If not, the Chair is prepared to rule.

□ 1000

Mr. TOM DAVIS of Virginia. Mr. Chairman, it is section 526(b).

The CHAIRMAN. Is there any further discussion on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the subsection directly amends the Homeland Security Act of 2002. The subsection, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the subsection is stricken from the bill.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I greatly regret the action that has just taken place. Both political parties are posing for political holy pictures on the issue of exporting jobs, and both parties have done it for quite some time.

This language that was just stricken represents the second attempt over a 2-year period for a number of us on this side of the aisle to try to eliminate rewards that our government provides to corporations who, for tax purposes, decide to claim citizenship of another country, thereby adding to the tax burden of the American citizens who remain in this country.

This language was meant to prevent Accenture from getting a contract from the Homeland Security Department that could be worth up to \$10 billion.

Now, I do not think that the American public minds spending any money that we need to appropriate to protect the homeland, but I do think they feel it is particularly absurd in this case, because this contract involves a contract to establish a process by which we track the activities of people as they cross our borders. And it is ironic that the company who will be given that juicy contract is a company that in itself has determined that it would rather locate for tax purposes in Bermuda rather than the United States.

Now, what was stricken, or as a result of the language that was stricken, the prohibition on future contracts remains, as I understand it, but the countermanning of the contract to Accenture is eliminated by the action just taken. I just find that amazing. I recognize that the gentleman had the technical right to do so.

We will hear that oh, Accenture pays a higher rate of taxes than the other companies that were competitive for this contract. But that is measuring only the percentage of taxes that they pay on reported income, and a large portion of that company's income is exempt under the way they have it structured. If we take a look at the filings of that company with the Federal Trade Commission, we will see by their own admission that they decided to locate in Bermuda in order to escape tax burden. Now, by definition, that means they are shoving that tax burden on the remaining taxpayers who stay in this country and do not try to engage in these clever games.

This is the second year in a row that language like this has been eliminated after it was adopted on a bipartisan basis by a 2-to-1 vote in our committee. It seems to me that rather than eliminating this language, this Congress should have taken action to strengthen it across the board. Until we do, with a great many taxpayers, Uncle Sam is going to be known as Uncle Sucker.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the action by the gentleman from Virginia, the chairman of the Committee on Government Reform, in raising a point of order against section 514 in which the Coast Guard would have been granted authority to waive certain provisions of the McKinney-Vento Homelessness Act, but I want to make clear, and I think this is the case for all of us who had a jurisdictional problem here, part of that amendment would allow the Coast Guard to keep the proceeds of any sale it is able to make, rather than having it put in the general fund. That is not an authorizing matter, that is an appropriations matter. If that is all it said, I would not have had any objection, and I do not know that anyone else would. What we objected to, I believe, was the provision that would have waived the substantive rules regarding a right of first refusal for groups interested in housing.

So I would just say to my colleagues on the Committee on Appropriations, if in fact this bill comes back from further points in the process with language simply making clear that the Coast Guard can keep the proceeds rather than putting them in the general fund, I certainly would have no objection as the ranking member of the authorizing committee. The important point is to preserve the policy involved in not selling off the property until we first see whether it is available for housing.

Now, it was appropriate to do what the gentleman from Virginia did and strike the whole section, because these were intermingled in the wording, but if it came back simply dealing with what happens to the funding after the properties are sold, I do not think that would be a problem.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the gentleman's remarks, and I agree with them.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Let me just respond to my friend from Wisconsin who has raised this issue.

I have struck for the second year in a row these so-called corporate inversion amendments. The appropriate time to take this up in my opinion would have been before the procurement moved forward. Several committees of this House held hearings on the US-VISIT contract. I think if this had been part of the initial contract, then we would not have gone through this process, companies would not have spent millions of dollars, and we could have addressed this earlier in the process.

The difficulty now is that we would delay this process up to 2 years further, and I think it is a needed program.

We have kept the language in section (a) under this going forward for future contracts in the spirit of compromise with the gentleman, but I understand his concerns. I have other substantive concerns with what the gentleman has said, but I think in the spirit of compromise we have tried to get an appropriate balance and allow the contract to move forward.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I greatly respect the gentleman and understand the argument that he makes. I would simply say that this Congress has had a long time. If the Congress had not eliminated the language that we offered last year, that was stricken by a point of order, we would not be in this situation of having to look back.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, I understand the gentleman's concern. The issue has been addressed in other tax laws, but I understand the gentleman's concerns on this and I look forward to working with him.

Ms. MILLENDER-McDONALD. Mr. Chairman, I ask unanimous consent to offer an amendment to a section that has passed.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MS. MILLENDER-McDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

At the end of title III add the following:

ALTERATION OF DOLLAR AMOUNTS

The amounts otherwise provided by this title are revised by increasing the amount

made available for "Office for State and Local Government Coordination and Preparedness—State and local programs", by increasing the amount allocated under that heading for port security grants, and by reducing the amount made available for "Emergency Preparedness and Response—disaster relief", by \$275,000,000, respectively.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to offer this amendment that has strong bipartisan support. This amendment will provide more funding for our Nation's seaports. This is a measure that is long overdue.

I will put it simply: my amendment will transfer \$275 million from the Disaster Relief program to the Port Security Grant program, which will provide a total of \$400 million for fiscal year 2005 funding for our Nation's seaports.

The choices that we have to make in light of this budget are very difficult. Our needs are much greater than our resources. Therefore, transferring funds from the Disaster Relief program seems to be a way of providing more funding for a very critical issue and a national security issue.

This year, the Disaster Relief program is being funded at \$2 million, a \$242 million increase from the fiscal year 2004 level of \$1.8 million. There is \$500 million of unexpended funding from last year's Disaster Relief program. Combine the two and we have an excess of \$742 million. Subtract \$275 million from the \$742 million access in Disaster Relief, and the program still has a surplus of \$467 million, while the Port Security Grant program will be funded at \$400 million, the very minimum that the Coast Guard has recommended to secure our ports.

The question has to be asked, can we use some of this access funding to secure our Nation's ports and address a very important homeland security issue? This additional funding will help secure our Nation's 361 ports and the many, many communities that surround them. Our Nation's coastline is our longest border, which is a 95,000-mile coast that includes the Great Lakes and inland waterways.

Protecting America's seaports is also critical to the Nation's economic growth, vitality, and security. Whether my colleagues have a seaport in their district or not, our Nation's seaports touch communities across this country and fuel our national economy. Seaports handle 95 percent of our Nation's overseas trade by volume, support the mobilization and deployment of U.S. armed forces, and serve as a transit point for millions of cruise and ferry passengers. Maritime industries contribute \$742 billion per year to the U.S. Gross National Product.

By supporting this amendment, my colleagues will be providing the minimum amount that the Coast Guard has recommended. For example, the Coast Guard has recommended that the minimum investment in securing our Nation's seaports are \$1.1 billion first-year investment, \$5.4 billion over the next 10 years, and that is a total of upwards of \$6.5 billion. These rec-

ommendations were made over 2 years ago. The price will only go up if we wait any longer. To date, only \$517 million has been allocated for port security funding.

In contrast, this Congress provided upwards of \$11 billion to aviation security after 9/11. We have acted as a unified body in the past in addressing our Nation's overarching security needs. We need to do that again in port security. My amendment will address some of our Nation's most glaring vulnerabilities instead of after the fact.

We have a Coast Guard recommendation. We have the blueprint of how to secure our seaports. Now we must make a concerted effort to get the most out of how we invest the people's money. My amendment does just that.

Finally, we have a precedent of the impact our ports have on our economy if they were to be shut down. As we remember, back in 2002, during the West Coast lockout, our western ports were closed for 10 days. The impact to the national economy was estimated at \$1 billion per day. That is a total of \$10 billion.

I am passionate about this issue. Today we have an opportunity to provide leadership and guidance for the present and future security of our Nation and our economy. The administration has only put in \$47 million. That is underfunding our ports, which are critically vulnerable at this state.

Mr. Chairman, we have an opportunity before us to assure the American people that we as Members of Congress are addressing the security needs of our Nation.

□ 1015

We have created the Department of Homeland Security to shepherd us into the post-9/11 era. Although Congress and the administration have provided resources, they are too little to address this homeland security threat. This funding is still woefully inadequate. Now we must provide guidance and leadership on this national security issue.

Let us use the tools that we have to focus on a very important national security issue. We owe it to our communities to lead and not react.

Mr. FERGUSON. Mr. Chairman, I rise in strong support of this amendment. I understand that the sponsor has said that she may withdraw this amendment, but it is an important issue to draw attention to. I rise as a co-chair and a co-founder of the Port Security Caucus in this House.

I come from the State of New Jersey, and we have one of the major shipping ports in our Nation just outside the reaches of my congressional district in New Jersey. I had an opportunity to visit there about a month ago, and I spent the day with the Coast Guard traveling around the harbor. I had an opportunity to walk through the screening procedures with the customs agents and others who are charged

with the enormous task of screening and making sure that the millions of cargo containers that come in through Port Elizabeth/Port Newark, through that particular port, are safe and are not going to put our families and communities in danger.

It is clear if you travel and are familiar with the ports of our country, like that major port in New Jersey, that our ports are open doors to world commerce. Ports create jobs, they facilitate trade, and they are absolutely vital to our economy. That is why port security is critically important to the security of our Nation and to the overall health of our economy. Port security and economic security are tied together hand in hand. They are one and the same.

The horrific events of 9/11 have shown us how vulnerable we are to terrorists who are bent on disrupting and destroying our way of life in America. Unfortunately, our ports, a gateway to commerce into our country, can also be seen as open doors into our Nation by these terrorists and those who seek to do us harm.

The U.S. Coast Guard estimates that a 1-month closure of a major port in our country will cost our national economy \$60 billion. That is why we must fund the Port Security Grants Program to at least the \$400 million level prescribed by the American Association of Port Authorities. The Coast Guard estimates that addressing terrorist threats at port facilities will cost \$5.4 billion over the course of the next 10 years, with \$1.125 billion of that amount required in the first year for purchasing equipment and hiring and training security officers and preparing paperwork.

Without significant Federal support in fiscal year 2005, these new Federal requirements are likely to become unfunded Federal mandates and large financial burdens on our port facilities all across the country. Significant homeland security funds are needed to speed the protection of our open doors of commerce. Even though Congress has provided funding for port security in past appropriation cycles, this year is especially critical because this is the year when the new mandates will go into effect.

The U.S. Coast Guard's first year cost estimate of over a billion dollars is consistent with the amount of need shown in each of the application rounds for the grants. Port facilities have requested nearly a billion dollars in each round for the Port Security Grant Program. Federal funds have been available to pay for only 13 to 17 percent of these needs. We need the Port Security Grants Program to be funded at the \$400 million level next year.

While this is significantly higher than last year's appropriations, it represents only 36 percent of the projected cost of facilities improvements. Compared to the billions allocated to airports and first responders and science

and technology, this is a modest investment in our Nation's security infrastructure.

Mr. Chairman, the FBI testified earlier this year that ports are a key vulnerability that has attracted interest from terrorist and terrorist organizations. We must do all we can to support securing our Nation's ports. Communities, neighboring ports, as well as the entire Nation depend on the steady and uninterrupted flow of commerce via our ports. It would be a mistake to ignore this threat any longer.

I will close by just reiterating that I serve as the chairman of the Port Security Caucus in this body. We have learned an enormous amount about our vulnerabilities in the post-9/11 world; and clearly, port security is one of the areas where we are still at great risk and at great vulnerability.

I ask the chairman of the subcommittee and the ranking member of the subcommittee as they go to conference to please look to see if there are ways to bump up the level of funding that has been included in the bill, and I certainly appreciate their hard and very dedicated efforts.

As I said last night, this is perhaps one of the most important bills we will pass this year, and I thank the chairman for his great work on this bill.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Millender-McDonald/Ferguson/Pascrell/Nadler amendment to increase funding for port security. This amendment will transfer \$275 million from the Disaster Relief Program to the Port Security Grant Program, which will then provide a total of \$400 million for our Nation's seaports. Of course, I support increasing funding by much more than this \$400 million, but this amendment is an extremely modest approach to begin doing something feasible right now to protect our Nation, and I firmly support the amendment.

The Coast Guard has said the amount in this amendment is the absolute minimum that is needed. Remember, we are at war. It is time to begin acting like it. We all know an attack can come at any time, and we must do all that we can do to stop it. That means investing more money in port security.

Frankly, this is a drop in the ocean. The fact is 2 percent of the containers of the 6 million containers that come into our ports every year are inspected; 98 percent could have an atomic bomb in them, or radiological bomb, or anything else, and we do not know about it. The fact is we should insist, and this amendment does not do it but it is a step in the right direction, and an amendment to do the right thing would be ruled out of order, the right thing would be to insist that no container gets put on a ship bound for the United States in a foreign port until that container is inspected by an American team in the foreign port. It is a little late to be discovering in New York or Los Angeles that there is a nuclear

weapon in a container. And if a foreign country does not want an American team in their port, that is fine, they are sovereign, but they do not ship anything to the United States. That ought to be our policy.

We ought to spend the several billion dollars a year. If we are serious about protecting our people, we ought to spend the several billion dollars a year to inspect every container before it is put on a ship in a foreign port. We are at war, and this is serious business.

Last year on this floor I engaged in a colloquy on this subject, and a distinguished gentleman on the other side of the aisle said well, we will inspect the high-risk containers. And I said, so, well, the terrorists will put the weapons in the low-risk containers.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman may be referring to another section of the bill. This is about port security, not container or cargo security. It is about the security of the port itself.

Mr. NADLER. Mr. Chairman, reclaiming my time, I am aware of that. And I am aware that if I offered an amendment to do what we ought to do, it would be ruled out of order, as it was last year, so I am using this opportunity to talk about this amendment, to talk about what we really ought to do, which the majority would rule out of order if we attempted to do it.

So the fact is what we really ought to do is inspect every container in a foreign port. We cannot do that because the administration does not take the war being waged against us seriously enough. They think the tax cuts are more important for the American people. They will not let us spend that money; the majority will not let us spend that kind of money, so we are reduced to doing what we are talking about in this amendment, which is a very modest step to increase to \$400 million the total for port security because maybe we will catch in our ports here what we elect to put in containers abroad because we did not inspect them when they should be inspected.

So I support the Millender-McDonald amendment as a very modest first step. The vote on this amendment will tell whether the Members voting take the security of the American people seriously or not. I urge Members to take the security of the American people seriously and vote for this amendment as a very modest first step.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. My colleagues, the gentleman from Virginia (Mr. SCHROCK), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the gentleman from Virginia (Mr. FORBES), the gentleman from Virginia (Mr. CANTOR) and I represent the Richmond and Hampton

Roads area of Virginia. Richmond is the home of the Port of Richmond. Hampton Roads is not only the home of the Port of Hampton Roads, but also the home of the world's largest Navy base and other strategic military installations, a nuclear power plant, and an oil refinery. It is considered one of the most target-rich areas of the Nation for terrorist attack. Each year over 2,500 commercial vessels enter the Port of Hampton Roads alone, so adequate funding for port security is a significant issue for those of us who live in Richmond and Hampton Roads.

To guard against vulnerabilities, such as cargo containers being used to smuggle chemical, biological or nuclear weapons, or the ships themselves being used as weapons, the Coast Guard has estimated it will cost approximately \$1.1 billion to properly protect our ports from terrorism.

Congress has taken the lead in supporting port security grants by appropriating a little over \$500 million since 9/11. This bill contains another \$125 million but still leaves us almost \$500 million short of the Coast Guard analysis. The amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) would close the gap by an additional \$275 million. These funds will ensure that ports will be able to pay for adequate security measures to protect all Americans against terrorist attacks from our seaports.

Finally, Mr. Chairman, I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her detailed analysis that she has provided us which shows that even after the transfer, FEMA will have more money than it had last year even though it ran a surplus last year of over \$500 million.

Furthermore, I want to thank the gentlewoman for pointing out that the \$400 million is a small portion of the \$16 billion in customs fees generated by the maritime industry. This bipartisan amendment is supported by the American Association of Port Authorities and the Port Security Council of America. I ask that we support the amendment.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, the gentleman speaks from the East Coast, I would like to add support for the gentleman's remarks from the West Coast. And thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this amendment.

I represent San Diego, California—a large Navy port. I used to say we are the biggest Navy port in the world, but the gentleman says it is in Virginia, so we will have to fight over that later.

We have three nuclear reactor aircraft carriers sitting in our harbor and a nuclear submarine base right there. I think it is generally acknowledged that port security is the weakest link

that we have in our system right now and where the lowest amount of resources relative to need has been put. We simply have got to do a better job.

The gentleman from New York was talking about containers, and the chairman of the subcommittee said we are talking about port security. I would note that in most of the ports of the United States there are millions of empty containers sitting around and we have no idea what is really in them. We call them empties because they supposedly have been unloaded, but according to the experts on this, and that is the dock workers and the longshoremen of America, the potential for these containers to be security risks are very great. It seems to me that we should incorporate the inspection of these into our notion of port security and give the power to do this to our Coast Guard or other port security officials.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, we can talk about container security if Members want, but this amendment is about port security. We have a great container security program. Every high-risk container is searched offshore. We are going to be in 47 foreign ports doing that.

□ 1030

But please, can we talk about port security? If we want to talk about container security, we can do that, but not on this amendment.

Mr. FILNER. I understand what the chairman is saying. I would argue with great respect that the so-called empty containers lying around the ports are part of our port weakness. Container security is port security. Longshoremen have shown that the way that we inspect, for example, "an empty container" is through an optical system that leaves almost one-third of the container completely invisible to the so-called inspection. In addition, most of the inspection techniques do not allow us to really know what is inside.

I was going to do a press conference that would show, after an inspection of an empty container, a longshoreman jumping out with an Uzi and showing that we can actually bring in weapons of mass destruction in these seemingly empty, innocent things.

So we have got to do a better job. The amendment of the gentlewoman from California (Ms. MILLENDER-MCDONALD) ought to be supported, and I appreciate the comments of the gentleman from Virginia.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, port security obviously is terribly important, and that is why we have provided in this bill \$125 million, which is \$79 million more than was requested and more than the 2004

level. So we are putting heavy emphasis on port security in the country.

Is that enough money? Of course not. There is not enough money in the world to perfectly protect everything in America, but we think we have on balance provided plenty of money in the bill for port security.

Number two, I have to oppose this amendment for a second reason, and that is probably the most important one. And that is that this would dangerously deplete the disaster relief fund, which concerns me greatly, and we are just now getting into the heavy part of the disaster season. So if there were another offset, this might be more attractive to me, but to take the money out of disaster relief is just a dangerous thing.

So I oppose the amendment. I would hope the gentlewoman from California (Ms. MILLENDER-MCDONALD) would consider withdrawing the amendment, and we will address this issue, I guarantee in the conference with the Senate, the other body, as we go along during the year. But I appreciate very much the gentlewoman from California (Ms. MILLENDER-MCDONALD), and those who have been speaking with her, in bringing up this very, very important issue, and I assure them it is on my mind and on the mind of the subcommittee.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes, but I do want to challenge something my friend, the gentleman from Kentucky (Mr. ROGERS) just said. He indicated that every container in foreign ports was inspected. That, as I understand it, is far from the facts.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I did not say every container. I said every high-risk container.

Mr. OBEY. Let me simply suggest that that gives me no comfort. The fact is that we have two basic problems with container inspection. The idea behind the new system that the administration is talking about is to see to it that cargo is inspected before it ever leaves the foreign port headed for this country. The problem is that of the major ports that are considered potentially dangerous, we are covering only half of those ports right now with our own inspection personnel in any effective program.

And I would point out further that the personnel that we have in these ports are assigned largely on the basis of 6-month temporary duty jobs. That means that just about the time they get to understand the ports that they are working in, they go home. No foreign country is going to waste any time, invest any effort getting to set up a working relationship with people who are going to be gone in 6 months. It would be like us hiring somebody on our staffs and then firing them every 6 months and having to break in a new

person. It is a pretty dumb way to do business.

So while I have great misgivings about the source of money of the gentlewoman from California (Ms. MILLENDER-MCDONALD) and I agree with the chairman on that point, I do believe that we need to understand there are massive problems associated with port security, and if we do not do a whole lot more than the budget resolution allows us to do, some day we are going to regret it very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize the comments of the distinguished chairman, but I appreciate the comments made by the ranking member, the gentleman from Wisconsin (Mr. OBEY).

I would just commend my colleagues to visualizing ports. For those of us who have ports in our communities, and those of us who serve on the Select Committee on Homeland Security had an opportunity to see a number of working ports around the country, the acreage is huge, and I will not upset the chairman. I will not mention containers, because this is a question of securing ports.

The acreage, in and of itself, is massive; and I know that the good work that has been done by many of our ports, along with the Coast Guard, there have been great strides toward homeland security.

I would like to cite the Houston Port Authority for its improvement on securing its acreage.

But the gentleman from Wisconsin (Mr. OBEY) is right. The employees in many instances are temporary. In many instances, they are from many foreign ports. Sometimes they come on shore and are not able to leave the area. We think mostly of ports from the water side, if you will, but in many ways, there is a lot of influx of traffic, trucking traffic that may not be regulated.

This investment is minor compared to the largeness of the question. The gentlewoman takes \$400 million from a \$2 billion allotment. This, of course, responds to the fact that \$500 million were unexpended in disaster relief. I know that you cannot predict a disaster and a disaster may occur at any time. But in viewing ports from very different perspectives and different regions of our country, I can assure my colleagues that there is nothing probably more important and more forgotten even in the good work that the ranking member of this appropriations subcommittee and the chairman have done than seeing what is going on in our ports. We face a situation in our community where the key was not so much the water side of the port; but it was a dry side, if I might, the exit and entry of people coming on the grounds for a variety of reasons. There was a private security company, and there was not the kind of tight security that was necessary. Much havoc can be done

on the port on dry land as there is a large degree of unloading and containers remain on the dry side, if you will, for a period of time until they are sent off the grounds. There is a lot of ingress and egress problems.

I would just simply say that the Coast Guard who we asked to rise to the occasion after 9/11 did that without the immediate resources by being in our waterways both in terms of their civilian work and their military work. We just lost our first Coast Guard personnel in the Iraq war just recently, a couple of weeks ago, a couple of months ago maybe; but this amendment, I think, responds to the fact that it is a great challenge to secure these ports. I would ask my colleagues to consider this, but I also would hope that the chairman and ranking member would consider this amendment in conference.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Select Committee on Homeland Security, I am very proud to cosponsor this port security amendment which would more than triple the Federal funding for security enhancements in our ports. I believe that the chairman, I do not say this in a condescending way at all, and the ranking member of the subcommittee have done an outstanding job with insufficient allocation. That is my position. When everything is a priority, nothing is a priority. We have to establish priorities based upon assessment, risk assessment.

Mr. Chairman, we do not have a national assessment of our most vulnerable areas. We have asked for this 2 years ago, we asked for this 1 year ago, because I think this amendment would not be on the floor. Our assessment as laymen indicates that this should be a priority. It is our weakest point. One glaring need in this bill begs for more resources and that is port security. I fear that providing the same level as last year will not suffice. There is a legitimate threat that maritime transportation will be used to smuggle people, to smuggle weapons or other materials into the United States for the purpose of terrorist attacks. We know that. We know that from the intelligence. The FBI testified earlier this year that ports suffer from an acute vulnerability. How could we allow this to continue in a time of heightened risk?

In the wake of 9/11, Congress passed the Maritime Transportation and Security Act. That act required, among other things, the establishment of a maritime security committee and security plans for facilities and vessels. The deadline of July 1 for this mandate is only a few weeks off. I hope everyone in the Chamber understands that in 2 weeks that mandate about our port security must go into effect. Or shall it be like all the other mandates we have had, for instance, dealing with airlines?

To meet these mandates, the MTSA authorized a grant program to help pay

for security investments and enhancements. While the committee improved upon the disturbingly insufficient funds requested by this administration, here we go again, Democrats and Republicans from both sides of the aisle are not accepting what the administration has put forth. Thank goodness. We talk about security out of one side of our mouth, and then we provide the proposals that do not meet these priorities. That is a fact of life. The Coast Guard estimates that the first year of cost compliance with the Maritime Transportation Security Act will be \$1.2 billion. Demand from the ports is far outweighing the supply of assistance. The Coast Guard, remember that forgotten branch of our service, is now a prominent part of security in America.

In the first 3 rounds of grant awards, and I would ask the gentleman from Kentucky to please heed this, this is a priority, this is serious business, and I know he takes it seriously, the DHS funded less than 20 percent of the submitted applications. How can we stand on the floor of the House and say that this is now sufficient money to deal with what we have all considered to be and deemed such a priority when only 20 percent of the applications have been responded to? Many deserving applications to help install access controls to our ports, surveillance equipment, communications upgrades, really lacking, and physical enhancement at ports around the Nation had to be denied because of a lack of funds.

We are not asking to put more money into this particular part of the budget. We are saying, let us shift some dollars from this part of the budget to that part of the budget. When everything is a priority, nothing is a priority.

The Port of New York and New Jersey, the largest on the east coast, generates 229,000 jobs and \$14.6 billion in gross domestic product. It is a major economic driver for the metropolitan area. I would say that we could obviously duplicate this throughout the entire country.

I ask the chairman to please address this. I appreciate all that he and the ranking member have done in this area.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I am withdrawing this amendment. I thank the indulgence of the chairman and the ranking member and do urge them to try to find funding for this very critical national security issue.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the amendment is withdrawn.

There was no objection.

□ 1045

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

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

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used to issue an order under a task and delivery order contract to entities not in compliance with section 835 of Public Law 107-296.

Ms. DELAURO. Mr. Chairman, the American people should be outraged by the actions on this floor just a short time ago, actions that would allow the Department of Homeland Security to move forward with a \$10 billion contract for a corporate expatriate. A corporate expatriate, a company that goes offshore, Bermuda, Cayman Islands, other places, sets up a shell corporation all for the purpose of diminishing their tax liability; that is, not paying the taxes that they should be paying to the United States of America.

The Republican leadership has finally after 18 months relented on their opposition to closing the loopholes in the ban on Department of Homeland Security contracts to corporate expatriates, but as so often happens with the Republican House leadership, they have said yes on the one hand and no on the other. They agree that it is wrong for the government to contract with companies who go offshore in order to avoid their tax liability, but at the first possible chance they grant an exemption to this ban by allowing the largest Homeland Security contract to date to go to one of the worst offenders, Accenture of Bermuda.

That is why I am offering this amendment with the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. DOGGETT), the gentleman from Massachusetts (Mr. NEAL), and the gentlewoman from New York (Ms. SLAUGHTER).

Our amendment will prohibit the Department of Homeland Security from spending any appropriated funds to carry out any contracts with an entity which qualifies as an inverted company or partnership under the law. The underlying bill will close loopholes that allow companies which have already incorporated in Bermuda and their domestic subsidiaries to receive contracts, loopholes that essentially gutted a ban that this House passed in July of 2002 by a vote of 318 to 100. But at the same time, without this amendment we will allow the Department of Homeland Security to move forward on a \$10 billion contract to just such a company.

Accenture claims they were never an American company. Let us look at the facts. They were a part of Arthur Andersen until 2000. They incorporated in Bermuda in 2001. Their chief executive officer is based in Dallas, Texas. Their stock is traded on the New York Stock Exchange.

More importantly, let us look at numbers. Even as Accenture reported that its American earnings increased by over \$319 million in 2003, its U.S. tax liability decreased by almost \$240 million. Simply stated, their revenues are going up; their tax liability is going down. Accenture, this is a company which has set up an elaborate corporate structure ranging from Bermuda to Luxembourg to Switzerland so



that they can shift income overseas and reduce their overall U.S. tax burden.

What is the result? Good corporate citizens loyal to the United States, companies that live up to their responsibilities like the two who were underbid in this contract, they are put at a competitive disadvantage. These are other bidders, and it has been said that we would not be able to move quickly. There were two other bidders in this effort. We can move quickly on getting this task done.

Stanley Works is a Connecticut company, which considered incorporated in Bermuda, reconsidered, and they have said: Not only are we disadvantaged against our foreign competitors, but two of our major U.S. competitors have a significant advantage over Stanley Works because they are already incorporated in Bermuda.

Our Tax Code should not reward companies for moving overseas. It should reward them for staying here, for contributing to our economy, for creating good jobs. And by giving lucrative government contracts to companies setting up a post office box in Bermuda, Mr. Chairman, we are making matters worse.

The fact is we are in a time of war. We have troops serving overseas. They are in harm's way every single day to protect this great country. We are struggling to fully equip, as this bill points out, our first responders, ensure the safety of our ports and our air transit. We simply cannot afford to reward companies that accept the benefits of American citizenship without living up to their responsibilities. We are talking about \$5 billion in revenues. Such behavior is wrong. It offends our values as Americans.

Very quickly, I might add, some will say that we are going to be wound up in lawsuits if we do not go forward. Not true. It is untrue. All of the legal research has concluded that the government would have little liability beyond the \$10 billion contract minimum even if that work has been performed. So do not let them get up and talk about spurious argument. The fact of the matter is this is a company that has gone offshore not to pay its taxes, and they are getting a \$10 billion reward. We should level the playing field and help good corporate citizens.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The gentlewoman is entitled to her strong opinion but not her own facts. She notes that troops overseas need help. The reality is if her amendment passes, this will have to be recompeted and it will push back protecting our borders another 2 years.

A lot of companies invested money in this. Homeland Security invested money in going through these. This will have to start again. The bids of the losers in this particular case will be made public. Everyone will have a starting place. This pushes the out-

come to protect our homeland 2 years. So this does not do anything to protect the homeland, number one.

Number two, Accenture, to my understanding, pays an effective tax rate for fiscal year 2004 of 34.8 percent. The two competitors in this pay, in their recent 10-K filings, 31.3 percent and 28 percent respectively.

I ask the gentlewoman where is the tax advantage if they are paying a higher percentage of their taxes? Does she know?

There is no tax advantage.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, what the gentleman from Virginia (Mr. TOM DAVIS) is saying is that they pay that effective tax rate on their profits. Right?

Mr. TOM DAVIS of Virginia. Yes.

Mr. DOGGETT. Mr. Chairman, so does the gentleman know how much of their income has been stripped out by their use of this foreign approach of setting up their corporation abroad? In other words, he is just talking about their tax rate on the little bit of income they leave here, not on the \$100 million that they shifted out on which they pay practically nothing.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, obviously it is the usual subterfuge on this. As a primer, they pay taxes on profits. They do not pay taxes on their losses.

But we are talking here about an effective tax rate, not the tax rate itself, which of course would be equal for U.S. income.

All work performed on this contract is performed in the United States. They were awarded this contract and the experts, the career civil servants who looked at this, decided this was the best procurement to protect the homeland. What they would have us do, the author of this would say let us not take the best defense we can get for the homeland, let us take something else. Let us pay a little more, let us get a little bit less because we want to settle the score because the parent company of the U.S.-based company that won this procurement somehow should be punished, even though all the work will be performed in the United States. And Accenture LLP led the SMART Border Alliance, which represents 31 U.S. companies employing 330,000 people in 50 States. Again, the US-VISIT program led the source of selection process here and chose this as the most effective means, not just cost effective but technically effective means, to protect the homeland, and they want to throw that out the window and say we will take second best for some other reason.

The time to address this, frankly, was at the time of the procurement. Congress held hearings on this. We had an opportunity on this procurement before it was let to do something on that in the hearings.

As I noted before, they do not receive a competitive advantage on this.

Accenture is not a corporate inversion. This was a global partnership and all of their U.S.-based work of course they pay taxes on in the United States.

The thing I worry about most, though, is retaliation. Right now in information technology we are running an \$8 billion trade surplus. This jeopardizes that surplus by inviting retaliation from other countries in the globe where we currently maintain a trade surplus with retaliation against U.S. companies doing business in those different countries, and I think that would be a disaster for the U.S. economy, something that my district in Northern Virginia knows something about, being one of the leaders in this. I do not think we should reduce the safety and security of the U.S. to settle a political score in this particular case.

Why should U.S. taxpayers pay more money and take, in the opinion of the career civil servants, a secondary technical solution to protect our homeland?

I also want to note no jobs are being outsourced. All the work on this contract is being performed in the United States. Accenture I do not even believe has any employees in Bermuda. Every cent of taxes that is earned on this will be paid here. The CEO of Accenture lives in Texas. Their Chief Financial Officer lives in Texas. And the idea that somehow they are not employing Americans or these jobs are going offshore or any intimation of that is patently false.

Let us take a look at the procurement itself because I think it is important. It is creating a nationwide entry and exit tracking system for foreign nationals visiting the United States. This amendment delays that for 2 years. I do not think our homeland needs that. I do not think the security in this country needs that. I urge defeating the amendment.

Mr. LATHAM. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes and that the time be equally divided.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Iowa?

Mr. OBEY. Mr. Chairman, reserving the right to object, let me explain to the Members what is happening here.

We have been in negotiations about overall budget issues for the last day and a half trying to reach accommodation between both sides. Until agreement was reached or until it appeared that agreement would be reached, we have been unable to agree to any time limits. Now it appears there is some progress being made, and we would like to facilitate that by trying to take measures which would enable us to finish this bill today so that Members can go home before 10 o'clock tonight. So we checked to find out how many speakers were on each side, and I thought that with this 20 minutes on each side, there would be enough for every speaker who had indicated a desire to speak.

So the gentleman is making a good-faith effort to limit the timetable based on discussions that he has had with us. And unless someone has real heartburn about it, I would appreciate if the gentleman's motion would be agreed to.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I think we could expedite, also, time limits. I think there is a paper that we are waiting for over here, and if we could expedite that, I think we can come to an agreement.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, it is clear that 20 minutes would be controlled by the gentlewoman from Connecticut (Ms. DELAURO) and 20 minutes by someone else on the other side.

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, the gentleman from Virginia (Mr. TOM DAVIS), yes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Let me restate the unanimous consent request by the gentleman from Iowa (Mr. LATHAM). Forty minutes equally divided by a proponent and opponent, divided and controlled, and on this amendment the time will be controlled by the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Virginia (Mr. TOM DAVIS).

Is there objection to the request of the gentleman from Iowa?

Mr. DOGGETT. Mr. Chairman, reserving the right to object, and subject to my reservation, if I could just ask for clarification. This will be 20 minutes per side on this amendment. The gentleman does not envision any other amendments to the amendment being offered? Is that correct?

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, this unanimous consent would say this amendment and all amendments there-to.

Mr. DOGGETT. Mr. Chairman, further reserving the right to object, does the gentleman anticipate any amendments to this amendment?

Mr. LATHAM. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Iowa.

Mr. LATHAM. No, Mr. Chairman. We do not at this time anticipate any further amendments to this amendment.

Mr. DOGGETT. Mr. Chairman, would the gentleman be willing to modify his 20 minutes to a side then on this amendment, 20 minutes to a side? Be-

cause if someone were to come forward with an amendment to this amendment, I am confident it would require additional time on our part.

□ 1100

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Perhaps we could handle it by simply saying that if after the assurances of the gentleman that no additional amendment would be offered, if one is offered, there will be no further agreements on time limits today.

Mr. DOGGETT. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the request of the gentleman from Iowa (Mr. LATHAM) is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, we can handle this quicker than 20 minutes. Just accept the amendment. Just do a unanimous consent and accept this amendment, and we are out of here.

I cannot believe the discussion I have heard on homeland security funding. Anybody watching this debate would have to conclude that the integrity and the honor and what America stands for throughout the world and throughout history is all about money. That is all that matters. Nothing else matters.

We are talking about giving to a company that has renounced its U.S. citizenship a \$10 billion contract and putting them in charge of border security. What a ridiculous idea. A foreign company in charge of our borders, rewarding a company that said, We don't want to be an American company anymore. That is not important to us. What is important to us is money. Give us more money.

This company has a great history of just being interested in money. They have demonstrated throughout the time that they have been in existence all they care about is money. Being an American is not important.

I think this absolutely desecrates the Declaration of Independence and those great men and women, or the great men that signed it, women would have if they had been allowed to, and especially that last sentence that says: "In support of this declaration, we mutually pledge to each other our lives, our fortunes and our sacred honor."

Is the security of this Nation and the future of this country not any more important to those that would vote against this amendment than to say it is about money? Throughout history this country has been willing to pay any price, we have been willing to sacrifice whatever we had, to keep this

country great, to keep it strong, to do what was necessary to preserve freedom and liberty and the pursuit of happiness and opportunity for everybody.

Yet, you come to this floor, and I hope I would get to be there for those of you who will vote against this amendment, so you can explain to your children and grandchildren, Son, granddaughter, it is not about being an American, it is not in your heart, it is not about what you have to do to make this place what it is. It is about money. And we failed. We failed because we did not want anybody to have to sacrifice just a little bit. We made it possible for companies to put themselves together, move offshore and cheat good, honest, hard-working taxpayers, and take advantage of them.

How can you face those men and women that are going to come back from the Middle East and that put their lives on the line, and they are going to have to go to work and pay taxes? How are you going to face them when you say, Well, I thought it was a good idea to take care of this bunch of shysters that put this company together and went offshore and cheated you out of a few hundred million dollars. I think that is a great idea, and I wanted to support that.

If you want to support it, that is the thing for you to do. Stand up today and be counted. Say it is not about integrity, it is not about honor, it is not about that great spirit that lives in the hearts of all Americans. It is about money, and we are going to make sure that all of the rich people we can find, we are going to give them all the money they can get.

You are going to keep doing this, and you are going to destroy this great Nation. Anybody that could watch this debate can only conclude that the people that are in charge of this House care about only one thing, making their rich friends richer. And if you can vote for this, God help you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say this is about the best technology to defend the borders. I have a letter from the Chamber of Commerce of the United States made up of American companies in opposition to this amendment. I have a letter from the Professional Services Council made up of American companies in opposition to this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in strong opposition to this amendment offered by the gentlewoman from Connecticut, as I did the other day in the committee.

Let me say, first of all, as the gentleman from Virginia has indicated, this is about a 2-year delay in awarding the contract. So when the gentleman from Arkansas asks how are you going

to explain to American soldiers coming back, I am going to tell them it is about their security, it is about getting a contract out there so we can get this program in place. It is about security, and that is what this issue is really about.

The gentleman also talked about honor and integrity. Yes, it is about honor and integrity. We happen to enter into lawful agreements with other countries, it is called the World Trade Organization, they are called trade agreements, and we are the biggest beneficiaries of the government procurement part of those agreements.

The United States has a huge trade surplus in the services sector thanks in part to U.S. firms winning government procurement overseas.

What the gentlewoman is talking about on this amendment is cutting off our nose to spite ourselves, because, of course, there would be retaliation against U.S. firms and workers who export services overseas.

Is the gentlewoman suggesting that Daimler-Chrysler should not be allowed to bid on any contracts here in the United States? Similarly, should we not want to be able to bid on contracts for building an airport in Paris or in Tokyo or some other place? Of course we want to. We have to abide by our agreements, and you do not just do it by doing it this way.

Let me just say about the issue of Accenture itself, all this talk about the taxes here. Those charges are erroneous. The effective rate of taxation paid by Accenture is 34.8 percent. The other companies that bid on this pay much less taxes. In fact, Lockheed Martin paid 31.3 percent effective tax, and Computer Sciences Corporation, the other bidder on this, paid 28 percent. So this is a company paying its taxes in the United States on the business it does here in the United States.

That is what this really is all about. All the work is being done in this country; all the jobs are going to be here; and all the taxes are going to be paid on the business here.

This is one of those things that comes up on the floor every once in a while, where people want to feel good, beat their breast, go home to their constituents. But it is bad public policy, it is terrible public policy, it violates all of our agreements, it is bad policy; and we ought to defeat this bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, there are 330,000 American jobs in the contract that is currently being let to Accenture and its American corporate subsidiaries. But the other side would just delay those jobs at least 2 years and the creation of those jobs as they rebid this contract and recompetite this contract and keep our borders less safe.

Mr. KOLBE. Mr. Chairman, reclaiming my time, the gentleman is correct,

and that is why we should not delay that.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL), who has been battling on this issue for the last several years.

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

Mr. NEAL of Massachusetts. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, this last bizarre argument that was made that this amendment would somehow violate our world trade obligations, does the gentleman understand that argument to be that we are forced to outsource our national security and our homeland security to China or France, which are WTO members? That seemed to be the logical extension of this bizarre new argument.

Mr. NEAL of Massachusetts. Mr. Chairman, reclaiming my time, there are two things to remember: Bermuda is not part of the WTO; and, secondly, President Bush said he would never check with another country before deciding about American national security.

Mr. Chairman, I want to say something to the gentleman who spoke a moment ago about the "beating on your chest" about this issue. I have brought this issue up now in the Committee on Ways and Means consistently for 3 years. We cannot even get a vote on it. This is not an appropriations issue in the end; this is really a tax issue.

The gentleman from Virginia said a moment ago there are no employees from Accenture in Bermuda. That is the point. That is precisely the point. It is merely a post office box rented for \$27,000. Does anybody believe that Tyco is a Bermuda-based company?

Why are we here today debating this issue? Joint Tax has said, and listen to this carefully, \$5 billion would come to the American Treasury if we would simply send these folks their tax bill.

I want to ask Members of this body today this question as you vote: What would the IRS do to you next Monday if you renounced your citizenship and said you were really a citizen of Bermuda?

This is not an argument about patriotism. This is an argument about that woman on Wall Street who said, "Maybe it is time that patriotism took a back seat to profits." Tell that to the moms and dads of 134,000 kids in Iraq, 20,000 kids in Afghanistan, troops committed to Haiti and Bosnia as well. And these people do not want to pay their corporate taxes? They are protected by these men and women, these soldiers who serve honorably and with distinction every day.

You know what this argument is about, because the American people know what this argument is about, it is about money. That is all it is about, money.

Then the argument becomes, well, let us give those who left, went to Ber-

muda, moved money to the Cayman Islands, and Luxembourg, let us give them a permanent advantage competitively over those who have chosen to stay, like Stanley Works in Connecticut, and ask them to compete in a bidding process where one side does not have to worry about corporate taxes.

This is indeed an argument about patriotism, and it is an argument about the fact that these companies do not have, and I repeat, do not have employees in Bermuda. They have instead a post office box. \$27,000 is what it costs to open a post office box in Bermuda and avoid millions in U.S. taxes. It is indeed about money.

We ought to have the backbone here to stand up and say, once and for all, very simply, like the American people who send their sons and daughters off to war, either you are in or you are out. That is what this argument is about. It is not about the WTO and the bidding process. Bermuda is not in the WTO.

But I know this: when the sun sets on this argument today, the Committee on Ways and Means still will not take this issue up. And I would say this to the people that are on the other side on this issue, put this question in front of this body in an open, fair vote with an opportunity for all of us to express ourselves, and I will tell you what: I will eat the piece of paper it is on if we do not get 350 votes to end this practice. And you know it, and you stop it from coming to the floor time and again.

You can do something about this today with a small start and then do something about it permanently.

When I hear these folks say this is not about patriotism, tell that to the moms and dads of those kids who are over in Afghanistan and Iraq that these companies do not want to pay their corporate taxes to support them and give them the best equipment they need.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman has been very eloquent, but let me just say this to him: make it clear, this is not about the people of Bermuda, probably friends of ours, probably people who served with us, working very hard, working in the corporate structure. This is about homeland security.

I serve on the Subcommittee on Immigration. Let me tell you, we have the opportunity to delay this for 2 years, to rebid this for American companies that will create those same 330,000 jobs. I just want the gentleman, if he would, to accede to that point, that we can recreate these jobs by rebidding.

Mr. NEAL of Massachusetts. Mr. Chairman, reclaiming my time, there is no question. This is about the failure of Congress.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me correct a couple of statements made. First of all, this is not a company that ever left America. This is a global partnership at one point that as they looked at the new business model, they looked at a place globally in the partnership that had worked across the world.

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

Mr. TOM DAVIS of Virginia. I will yield on your time. Do you have the time, or are you just trying to interrupt me so I cannot get a stream of thought? You have ample opportunity to rebut me on the time allotted to you.

So they were never an American company, and this is not a corporate inversion under the current law, and the gentleman knows that, and the author of this amendment knows that.

Secondly, Bermuda is a British territory. Britain is a member of the World Trade Organization. To say they are not is fallacious, and I think we ought to at least keep this on a factual level. We have differing opinions, which I respect on this; but let us at least argue from the same basis of facts.

Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1115

Mr. BLUMENAUER. Mr. Chairman, I listened to my friends who are advancing this amendment, and there are a number of things that I agree with them on. I would be happy to have a debate on this floor about corporate inversion and about tax policy. I am troubled by some of the outsourcing of

our activities in this country. I think that there are a number of valid points that have been raised. I am concerned, though, about how we are mixing them.

First of all, this is not, as has been referenced, a Stanley Works; this is a spin-off. I have been following this for a number of years, because the gentleman that I started in the political process with some 30 years ago founded the Arthur Andersen office in Portland, Oregon. He has been a close friend. He has not been associated with Arthur Andersen for some 20 years, but we have had many discussions about the travail of that once great accounting firm.

Accenture is a result of a spin-off that was brewing between the consulting wing and the accounting wing, and this finally was formalized in 1987.

Accenture has never been a United States corporation, a United States partnership. Never, not once. I have had this conversation with my friend, I have exchanged documents, I have requested information from them, and I have yet to receive, and I will welcome clarification on my colleague's time, anything that suggests what we are saying is not true. Never a United States corporation, not a United States partnership, spun off 15 years ago. I will enter into the RECORD the Notes To Consolidated Financial Statements from Accenture, LTD, that talks about the amount of tax that this entity pays on United States income.

My friend, the gentleman from Arizona, pointed out the effective tax rate was actually higher than that of the competitors that were involved here.

We are talking about almost a third of 1 million American jobs, including some in many of our districts. I am troubled that we mix apples and oranges here, that we are having a rhetorical flourish and driving home some important points and mixing it in the only vehicle that is available. I think my friends on the majority side actually invite this sort of debate because we so seldom have a chance to kick it around in an open and honest and direct way, but this is not the vehicle.

Let me give one example in my community where I had to push back with friends on both sides of the aisle. I have the most productive truck manufacturing company in the world, Freightliner, headquartered in Portland, Oregon. There were people who wanted to push back against the purchase of the finest trucks in the world for our troops in Iraq because the ownership of this company that has been headquartered in my community for 50 years, employing union machinists, union teamsters and painters, was purchased by Daimler-Benz, a German company, and the Germans were not our friends in Iraq for a while. Now the Germans are our friends, because people find out we need them. But there was an attempt to punish a foreign corporation by making it impossible for my employees in my district to be able to bid on a contract.

I would suggest the analogy is exactly the same. I pushed back to protect those jobs. I think we err if we mix apples and oranges and try and throw this contract out.

#### ACCENTURE LTD—NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

[In thousands of U.S. dollars except share and per share amounts or as otherwise disclose]

	2003	2002	2001
Current taxes:			
U.S. federal	\$191,464	\$98,193	\$300,000
U.S. state and local	142,941	241,228	382,690
Non-U.S.	20,420	34,461	66,080
	322,971	358,055	330,590
Total current tax expense	486,332	633,744	779,360
Deferred taxes:			
U.S. federal	48,523	(143,035)	(85,520)
U.S. state and local	6,932	(20,434)	(19,612)
Non-U.S.	24,312	20,796	(171,612)
Total deferred tax expense (benefit)	79,767	(142,673)	(276,744)
Total	566,099	491,071	502,616

Deferred income tax expenses (benefits) related to the additional minimum pension liability were (\$71,920) in fiscal 2003 and were recorded in Accumulated other comprehensive

income in the Consolidated Balance Sheet.

Income before taxes from U.S. sources was \$566,896 and \$247,271 in fiscal 2003 and fiscal 2002, respectively. Income before taxes from

non-U.S. sources was \$1,045,921 and \$820,287 in fiscal 2003 and fiscal 2002, respectively.

A reconciliation of the U.S. federal statutory income tax rate to Accenture's effective income tax rate is set forth below:

[In percent]

	2003	2002	2001
U.S. federal statutory income tax rate	35.0	35.0	35.0
U.S. state and local taxes, net	1.6	1.2	1.0
Non-deductible investment losses		11.7	0.2
Non-U.S. operations	(2.0)	0.4	1.6
Rate benefit for partnership period			(49.0)
Revaluation of deferred tax liabilities <sup>1</sup>			13.6
Cost of transition to a corporate structure			59.6
Other	0.5	(2.3)	1.2
Effective income tax rate	35.1	46.0	63.2

<sup>1</sup> The revaluation of deferred tax liabilities upon change in tax status is a deferred tax expense recognized upon Accenture's change in tax status from partnership to corporate form.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, before I begin, I just want to say I am perplexed by the notion that we should leave this contract in place because Accenture will hire Americans to do the work. My assumption is that the two American companies who stay here and pay taxes would do the very same.

I thank the gentlewoman from Connecticut (Ms. DELAURO) for offering this amendment to stop this \$10 billion government contract to Accenture. I do not have to explain to anybody in this room why this practice that we have here I think makes no sense at all. A lot of the American companies have decided to evade their Federal tax responsibilities. If you follow this debate, maybe they should all go. It seems it is trying to give us some idea that that is better for us.

But adding insult to injury, this Federal Government turns around and gives billions of dollars worth of contracts to those very companies who will not pay their share.

Corporate expatriates, as my colleagues know, cost us the \$5 billion. And when they got this contract, as a member of the Committee on Homeland Security, I was both outraged and flabbergasted to learn that they were going to be responsible for launching the US-VISIT program at our 50 busiest land borders. One of them is just outside my district, in Buffalo, the Peace Bridge.

What do you think my constituents said to me when they learned the company responsible for securing the border, a company funded by their tax dollars, does not pay taxes itself? That the very company that was going to have the important responsibility of tracking foreign visitors is in itself a foreign visitor?

Not only is the contract an insult, it flew in the face of congressional intent. In July of 2002, the House passed an amendment sponsored by the gentlewoman from Connecticut (Ms. DELAURO) to prohibit the Department from awarding contracts to corporate expatriates. Unfortunately, it could not block the companies already moving to Bermuda, but we have been trying to close those loopholes.

Last year, I offered an amendment to Project BioShield that would have barred expatriate corporations from receiving \$5 billion worth of contracts with the Department of Homeland Security, but it was voted down along party lines. But this week we achieve a partial victory.

The House Committee on Rules of which I am a member granted protection to part of the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) that would close the loopholes in homeland security contracting ban, and the amendment easily passed the Committee on Appropriations.

As a long-time member of the Committee on Rules, I can tell my colleagues that is no small feat. As many of us joke, we should probably put a sign above the door to the Committee on Rules room like that hung above the gates of hell in "Dante's Inferno" that says, "All hope abandon, ye who enter here!"

It is no secret that the Committee on Rules is used by the Republicans to kill amendments before they can reach the floor for debate and to substantially restrict debate on legislation having a vast impact on this public.

But 2 days ago a miracle occurred, and we were able to protect the loophole provision on the Delauro-Berry amendment, but this fight is not over.

It does not make any sense, and America knows it. What in the world are we doing here? We are reading every day of the giveaway contract, the no-bid contract to Halliburton that is causing us so much harm and delivering no goods in Iraq, and then we sit here in this Congress and protect the giving of a contract to a corporation that has refused to pay its American taxes. Will my colleagues think about that? They bid against two companies staying here, good corporate American citizens who are at a disadvantage because the company who got the contract does not have to pay those taxes.

It is an outrage, and I think that today we will show that this House of Representatives believes that it is an outrage. I agree with what my colleagues said before: if this bill would ever be allowed by the Committee on Rules to come here for a full debate and vote, we would really show America that most people in this Congress do not like what the leadership is foisting on us.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I agree in principle with my good friends on the other side of this issue. I agree with my good friend, the gentlewoman from Connecticut (Ms. DELAURO), that it was wrong what Stanley Works did to leave Connecticut, to save some tax money, and to relocate their corporate headquarters in Bermuda, and move much of its production operations overseas. I agree that we ought to amend the Tax Code to punish firms that deliberately relocate to take advantage of foreign tax shelters.

But while I agree in principle with what is driving this discussion, I think we all understand that while we are entitled to our own opinions, we are not entitled to our own set of facts. And I would say to my friends on the other side, it is the facts that get in the way of this debate.

The facts are that Accenture is not a corporate inversion. The General Accounting Office said that. In fact,

Accenture is a U.S. business. It is a partnership in Illinois; it employs more than 25,000 people, virtually all of them are Americans. The fact is that this is an American team of companies that we are talking about. It is a good team of major American firms, firms like Raytheon, Dell, AT&T, Sprint. Mr. Chairman, 330,000 U.S. jobs are involved in this team, 35,000 in Texas, 30,000 in California, 16,000 in Virginia, 14,000 in Florida, 13,000 in Massachusetts, I would tell my very good friend from Massachusetts. These are American jobs, and all of the work is going to be done in the United States. All of the profit is going to be subject to Federal income taxes. Thirty-eight percent is going to go to small businesses. The same kind of small businesses that we have been trying to help.

Mr. Chairman, all we are talking about is the executive branch trying to do what we required them to do. We required them by law to go ahead and to find a way to secure the 50 largest border entries by the end of this year, and to secure the ports by the end of next year. And they found that there were three of the very best teams who could accomplish this objective by being willing to hire the best American employees and invest millions of dollars to do it right.

Lockheed and CSC are terrific teams. They are not complaining about this, because they know it was completely legitimate, this competitive bidding process. They are not complaining because they know they lost fair and square. The reason why this team won is because they had the ability to best match what the Congress required them to do. They spent millions, they pulled together the best technical people, and they came up with the most innovative concept, the best price, the best quality, the best likelihood of performance in meeting the Congress' requirements. That is why they got the contract. Steve Pearlstein of the Washington Post described how they legitimately won this contract.

Now, imagine the precedent. DHS awarded this contract completely legitimately, the Congress comes in and says, oh, wait a minute, we are going to pull it back. We are not going to let them get this contract. Obviously we are going to get sued. Obviously it is going to take months in the courts. Obviously, we cannot have a fair bidding process now because the other two competitors now know exactly what the Federal Government was looking for, they know exactly what the cost structure needs to be, they know exactly all the innovative concepts that the company put together.

The fact is, this is good for the United States and its workforce. These are American firms. Now, sure, we live in a global environment, but this is an American business. They are doing good work. If we set this precedent, it will come back to haunt us for generations.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment.

We have had facts put out by my friend from Virginia, both of my friends from Virginia and others, and I would like to take a moment to look philosophically at this. Building on what the gentleman from Virginia (Mr. MORAN) just said, this really is about the cause of freedom and ensuring that we have access to the best quality product at the lowest possible price. We just this week passed the American Jobs Creation Act. One of the reasons I was so proud of that measure is that rather than constantly pointing the finger outward, it led us to look at ourselves. What is it that encourages the flow of capital and products and services across borders?

The fact of the matter is, we in the United States of America have a tax and a regulatory burden which creates great challenges. I believe that we need to realize that as Americans. The patriotic thing to do, I would say to my friend from Massachusetts (Mr. NEAL), the patriotic thing that we should do is to continue to do everything that we can to encourage greater freedom. That is why this measure which counters, counters completely a decision that was made, hurts the United States of America, hurts the cause of our homeland security by, in fact, saying to the American taxpayer, you cannot have access to the best possible quality at the lowest possible price.

□ 1130

I urge a "no" vote on the DeLauro amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to this amendment, and I want to once again restate some of the facts because I think there has been a lot of false allegations here.

Accenture is a U.S.-based partnership. Accenture was never an inversion corporation that moved from the U.S. to offshore. Accenture will be paying taxes on all the income that is going to be generated by this contract. And, in fact, if you look at recent history at the tax rate, the Federal tax rate that Accenture has paid in the past few years has been greater than that of the other competitors on this. Accenture is a U.S. partnership that employs 25,000 U.S. employees. All those employees that are going to be benefitting in this contract with a team and a partnership that will comprise 330,000 U.S. workers will be paying U.S. income taxes.

I am very concerned about the precedent we will be setting if we adopt an

amendment that is being offered today that a company has to be solely incorporated in the United States in order to compete for a government contract. If we adopt that standard and that standard was adopted by the European countries of Germany and France or Japan or China, we would be saying to the workers of IBM in the United States, the workers of Boeing, the workers of Cisco, the workers in Microsoft that you cannot compete for a contract that is being offered by the governments of Japan, Germany, France, Italy, Great Britain. That would be an injustice, and it would ensure that we would be adopting a policy emulated by those other countries which would hurt U.S. companies and would hurt U.S. workers.

This is a precedent that could cause great harm to this country, and I hope we reject it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, this is a debate on the provision of the Department of Homeland Security. That is what we are supposed to be talking about here, the security of the Nation.

The tax obligations of this company are really irrelevant to whether or not this contract provides for the United States of America some greater degree of security. No one has argued, in fact, that it does not. No one has argued that it is not the best company, Accenture in this case, to provide the service we need and the technology behind it. No one has denied the fact that if we do not do this, if we change the rules at this point in time, that in fact now we will have to go back to the drawing board. It will be another couple of years before we can help secure the borders now, the U.S. VISIT program, and implement it.

So because this is a national security issue debated in the homeland security bill, I urge that this amendment be defeated.

Mr. TOM DAVIS of Virginia. Mr. Chairman, although I am defending the committee's position in this particular case, my understanding is I do not have the right to close because I am not a member of the committee.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentlewoman from Connecticut (Ms. DELAURO), because she is a member of committee, has the right to close.

Mr. TOM DAVIS of Virginia. Mr. Chairman, does the gentlewoman have any additional speakers?

Ms. DELAURO. Mr. Chairman, I have one additional speaker to close.

Mr. TOM DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think this amendment is unfortunate. First of all, you

are picking on only one homeland security contract where there are literally dozens, more than that, that go to companies that are foreign based. They have singled out one. Perhaps there is a bidder in their State that did not get it. But retaliation on Federal contracting is really not a good thing to be doing on the House floor.

Secondly, we need to be aware that this will cost the government additional money in termination costs, and they are likely to go through this, and delay implementation of this procurement for up to 2 years which means that securing our border and getting the U.S. VISIT program up and running will be delayed. This is a homeland security bill. This is an anti-homeland security amendment in that case.

It is important, once again, to note that the winner of the contract is an American corporation, but their parent is a global company that has a headquarters in Bermuda. They were a global partnership prior to doing that. Although the majority of their stock, I understand, is American-owned, certainly the bulk of their employees are here. But they are global in nature as are so many companies in a changing global economic world, a fact of the matter that some of my colleagues do not want to face up to.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, may I ask the gentleman, he was a counsel to a contractor at one point in his life. Can he imagine how we would ever rebid this to either of the other two bidders now that they know all of the specifications that the government was looking for?

Mr. TOM DAVIS of Virginia. Well, this throws the procurement basically up in the air and out the window and delays it, I think, at a minimum a couple of years. Worst of all, we know under this contract, Texas gets 35,000 jobs. Those jobs, if this amendment becomes law, are out the window. They may get some back. They may not get any back. We know, for example, in Massachusetts 13,000 jobs come under this. Those jobs are out the windows if this is it. Maybe they will get it under some other bidding, but there is no assurance of that at all.

We know for example in Florida, 14,000 jobs; California, 30,000 jobs; Illinois, 11,000; Arizona, 12,000, on and on; 330,000 jobs at a time when people profess to want job creation. Basically what they are saying is let us put these jobs off 2 years because we do not like the headquarters where the parent company that is putting this together of the winning company, which is an American company, lives. Even though all of the jobs will be performed in the United States, appropriate security clearances will be cleared by American citizens to perform this work.

I would note once again, there are literally dozens, if not hundreds, of



companies around the globe that are doing business with the Defense Department, Department of Homeland Security, that are foreign based. If we cut this off, we are indeed, as one speaker noted, cutting off our nose to spite our face. Because, after all, this is a global economy; and after all, in this particular area we are running an \$8 billion trade surplus, trade surplus. And what the proponents of this amendment would do is say, we do not care about a trade surplus in this particular area. We want to settle some other scores. We do not like the global economy. We want to use American dollars only to compete with American companies, only to use American companies even if it may be an inferior technology, even if it may cost taxpayers more.

That is what they are saying, and it is very poor precedent, in my opinion, for protecting the homeland.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. If, for example, this amendment passed, can the gentleman see any legal way that you can turn around and award the bid to either of the other two competitor companies?

Mr. TOM DAVIS of Virginia. It clearly has to be recompeted, and we will be wrought with protests.

I urge that this amendment be soundly defeated and we send the signal here that we want to protect the homeland first. This is a homeland security bill. It ought to stay that way.

Ms. DELAURO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has 6½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. NEAL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Chairman, the gentleman from Virginia (Mr. MORAN) was the mayor of Alexandria, Virginia. Did the gentleman ever void a contract that had been competitively bid?

Mr. MORAN of Virginia. Not after it was competitively bid when all of the factors were legitimately considered.

Mr. NEAL of Massachusetts. How about when they were not all legitimately considered?

Mr. MORAN of Virginia. There is no question that it was not legitimate. This was a legal bid.

Mr. NEAL of Massachusetts. Across this country every day mayors void contracts.

Mr. DOGGETT. Reclaiming my time, Mr. Chairman, the indifference of the Administration to the outsourcing of American jobs is well known to the American people. But now as incredible as it will seem to most Americans, the

Administration and House Republican leadership are intent on actually outsourcing our national security. A foreign-controlled corporation has received a \$10 billion contract, billion with a "B", to implement a major element of the Administration's border security initiative. And that is what this debate is about.

As usual, the House Republican leadership has this week blessed this outsourcing of our national security, even though this action is directly in defiance of the will of a strong bipartisan majority of this House. With Accenture, the accent is on tax dodging; and with this Republican leadership, since the first time we offered an amendment to deal with this, the accent has been on protecting and enabling abusive corporate tax dodgers.

Now, the Republican leadership wants to reward those like Accenture. It wants to reward those who flee America to fleece America. Not only saying, do not worry about paying your fair share of taxes, but it is okay to come and get your competitors' share of taxes too. The money hardworking people pay in to the Treasury, their money is going to be taken and given to a corporation that has fled America.

What makes this Republican leadership's actions particularly shameful is their refusal to hold the wealthy tax-dodging few accountable while others sacrifice so very much, sometimes everything that they have.

We know about the young American men and women around the globe who are dying for America. We know of the billions of dollars that American taxpayers must expend when this Administration calls on Americans to do most all the paying for its adventures around the world. The sacrifice that our military is making is measured in blood and the sacrifice of the middle-class taxpayers is measured in dollars. But some corporations have decided that they do not have to pay their fair share of our security.

Through this amendment we now can demand that they pay their fair share. This is a fair-share amendment. When this measure came up under the leadership of the gentlewoman from Connecticut (Ms. DELAURO) in July of 2002, 318 Members of this House voted to impose the same restrictions that we are asking for today. And Accenture began hiring lobbyists right and left to weaken that amendment. So the gentlewoman from Connecticut (Ms. DELAURO) came back with a bipartisan majority 35 to 17 in the Committee on Appropriations to approve this restriction.

Then the Committee on Rules, recognizing that it was violating the will of the House, has approved language in this bill that says Accenture, despite all these wonderful arguments we have heard this morning, is not going to get any more contracts. We are just going to give it a \$10 billion contract. We are going to give it the big pie it has already been rewarded, but it will just

not get any crumbs down the way. This is an admission that there is strong merit to the arguments in favor of the gentlewoman's amendment.

Let us go through one by one the arguments that have been advanced. It is difficult to do that because they can talk about getting their facts straight, then not get their argument straight. One of those who opposes this amendment has been at this podium declaring that Accenture has never been a U.S. company, followed by another speaker who insists that Accenture is a U.S. company with jobs all over America.

Well, on that I have to yield to Accenture. If you turn to their Web site, you will see that they declare they have never been a U.S. company. The Department of Homeland Security has outsourced this contract to a foreign company. But what of the argument that they did not leave America after they formed here? No, the answer is they got there first and they have set an example for other corporations about incorporating abroad. Indeed, this month's issues of Corporate Executive Magazine has an ad from Accenture: "To accomplish more, sometimes you need to receive less."

And, in fact, in their case, pay less in taxes. And they offer advice on, among other things, outsourcing jobs.

What of the argument that Accenture pays its taxes, everything that is legally due? They claim that they pay a higher tax rate than their American competitors. Well, I guess it all depends on whether you are paying taxes on all your income or part of your income because you are able to send some of your income abroad. Indeed, the name Accenture will be new to many people because it is a new name. The name Accenture did not exist a few years ago. The name Accenture, strangely enough, is owned by a foreign corporation and the U.S. company pays hefty royalties to this foreign company to use that name in the U.S. What Accenture has done is to strip its U.S. earnings out of the country so that it can say, we pay taxes on our earnings more than our competitors. We just do not pay U.S. taxes on about \$200 million of our other earnings.

Let me just say that it used to be that, if you cleaned out a bank vault, you would be put on the government's "most wanted" list and imprisoned. But under this Administration, when you drain the Federal Treasury by dodging taxes, you are placed on a "most wanted" list for government contractors.

This is wrong. The American people know it is wrong. It is indefensible, and there is no good argument in favor of doing this. Vote for the DeLauro amendment.

Ms. HARMAN. Mr. Chairman, I rise to explain my "no" vote on the amendment offered by Ms. DELAURO. I support the principle embodied in the amendment: to deny the benefit of large government contracts to U.S. companies that purposefully locate offshore to avoid U.S. taxes.

But in this case, Accenture did not do this. Accenture is a combination of foreign and U.S. companies and claims it chose Bermuda, in 2001, as a neutral location.

The USVISIT contract is with the U.S. subsidiaries of Accenture, and with many other U.S.-located companies, all of whom employ Americans and pay U.S. taxes. We should not interfere with it and disrupt this important program.

□ 1145

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time having expired, the question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 1 OFFERED BY MS. ROYBAL-ALLARD

Ms. ROYBAL-ALLARD. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. ROYBAL-ALLARD:

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

SEC. \_\_\_\_ . None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

Ms. ROYBAL-ALLARD. Mr. Chairman, let me begin by thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for their hard work on this very important bill.

Mr. Chairman, my amendment would prohibit the Citizenship and Immigration Service under the Department of Homeland Security from needlessly and dangerously contracting out work that is inherently governmental in nature and essential to maintaining our national security. This work is performed by immigration information officers, contact representatives and investigative assistants who are well-trained to understand our country's complex immigration laws and regulations. In the course of performing their duties, they often use highly classified information to prevent immigration fraud and ensure terrorists do not exploit our immigration laws.

The Office of Management and Budget, OMB, will argue that privatizing immigration officers will save taxpayers and the Federal Government money. The General Accounting Office, however, has challenged OMB's estimated savings derived from privatization. The Comptroller General recently stated that GAO cannot verify OMB's claims because government agencies do not have accounting systems to provide reliable tracking of costs and savings, but even if savings could be realized, the fact remains that the bottom line should never take precedent over our national security.

We need to have reliable, well-trained and experienced immigration personnel, employees who are directly accountable to the Department of Homeland Security and not motivated by production quotas set by profit-oriented contract employers with an historically high rate of turnover.

Of greater concern, however, is the Department of Homeland Security's inability to protect sensitive information and maintain quality control of contract workers. This danger is highlighted in a July 2003 GAO report that found that the Immigration Service did not have the basic infrastructure, including the oversight information and workforce, to ensure that its contracting activities were effective.

Furthermore, in a December 2003 report and in a March 2004 follow-up report, the Inspector General of the Department of Homeland Security listed contracting procedures as a major management challenge for the Department.

Of equal concern is information in memos from the Department of Homeland Security that I received from Senator LIEBERMAN's office. These memos contain evidence that Immigration Service management tried for months to discourage Homeland Security leadership from implementing the privatization review.

Let me quote two passages from a document prepared by consultants from Grant Thornton and PEC Solutions for Immigration Service officials. The first passage reads, "Accomplishing the A-76 study under present scope will not achieve the A-76 program's overarching operational efficiency objectives, and also will not address the current extensive customer service problems."

The second passage reads, "Moving forward with an A-76 competition based on business processes limits the agency's ability to implement substantial organizational and operational improvements."

Clearly, Mr. Chairman, contracting out of immigration provisions has every potential of endangering our country's ability to meet our goals of having a Department of Homeland Security that is well-armed to protect our country from those who would do it harm.

In closing, Mr. Chairman, my amendment does not attempt to address the

overall issue of contracting out Federal jobs. My amendment is narrowly drafted to ensure that the work of immigration officers, which is inherently governmental in nature and critical to our national security, continues to remain the responsibility of trained and experienced Federal employees directly accountable to the Department of Homeland Security and not to the bottom line of a private company.

I urge my colleagues to support this very important national security amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment. I agree with the gentlewoman from California, who by the way is a very hardworking member of our subcommittee and a very valued member. I agree with her that CIS should meet the highest standards in evaluating petitions for naturalization or immigration benefits, but I do not believe her proposal is justified.

CIS is in the midst of a critical effort to reduce its very large case backlog, while ensuring that it screens applicants for the privilege of living here or acquiring citizenship. Our bill demands a high degree of accountability from this agency, and we will exercise significant oversight into how it achieves the elimination of its backlog.

In the meantime, I believe that the Department deserves some latitude to explore new ways of getting this job done and the backlog reduced, to include privatizing some functions that may be just as easily performed outside of the government, and allows the agency to concentrate internally on its core government functions.

The argument that the positions up for competition are "governmental" begs the question: Immigrants need information and help getting through this system, but such service is not inherently governmental; and, two, the requirement to have specialized subject matter expertise also does not uniquely limit the work to government officials.

So I think the amendment is not necessary. I believe the Department should have some leeway in getting this backlog reduced, and so I, therefore, ask my colleagues to support us in rejecting this amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment offered by my friend from California. One of the most important functions of any sovereign nation is determining who can enter the country and who cannot.

In our country we balance many important values in making this decision. We have always been an open society that has been enriched by new citizens, by visitors and by those who come here to contribute to the great dynamism of the American economy.

At the same time, we cannot be a country that has a welcome mat out

for everyone in the world because it would suffocate the very dynamism of that economy. There obviously are security concerns. Most people in the world are very welcome in America because they are people who love peace and contribute. There are a few who are most definitely not welcome in America because they are security risks.

Just as our country has to sort this problem out every day, on individual cases this problem must be sorted out every day. The people who begin the process of sorting this balance out are immigration information officers. I can think of no more public function, no more core public function than exercising the constitutional responsibility of controlling our borders, and the idea that this function would be delegated to someone who works for a for-profit firm strikes me as well beyond the realm of reason.

When someone presents his or her papers to begin the process of getting into the country, all kinds of questions have to be asked. Are the papers true or fraudulent? This is what these officers deal with every day. Are the intentions of the person trying to enter the country munificent or harmful? This is a judgment that these officers have to make every day.

The information people present to gain access to the country is very often private and important only to them, and respecting the privacy of the person who tries to get into the country is an important value that has to be protected every day.

If questions arise about the veracity of someone's application, the officer needs to go to law enforcement or to intelligence agencies to figure out whether the person is whom he or she says they are. Are these functions we want performed by someone who is hired out?

Can we exercise the degree of accountability for control of our borders that we need to exercise if the people who are exercising these functions are here this year but may not be here next year when a new contract is let? Can we be sure that the training that is necessary to balance these many competing concerns is going to be adequately given to officers who are not sworn employees of the United States? I do not think so.

I understand the debate on privatization is over whether something is a core government function or not. I can scarcely think of a function that is more an example of a core governmental function than controlling access to our borders. Frankly, if controlling access to our borders is not a core governmental function, then running the Navy is not a core governmental function or conducting foreign intelligence is not a core governmental function or perhaps we should privatize diplomats, and instead of having ambassadors appointed by the President we should hire diplomatic arbitration services because it seems to me to be

equally the case that it is a core governmental function.

One could argue all one wants about efficiency, but there is a higher value here than efficiency, and that value is accountability in the discharge of our constitutional function in controlling our borders. This is not an area where the managers of the Department should have discretion because this is a clear case.

The constitutional responsibility of controlling our borders is a pure public function, and it should be carried out by sworn employees who are men and women who are responsible to the public voters, responsible to this Congress and responsible for the future discharge of their responsibilities.

So I thank my friend from California for offering her amendment. I think it is an excellent idea. I would urge Members from both sides to enthusiastically support the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, in the interest of attempting to save time and to get us out of here today on this bill, I want to engage my ranking member and ask his and others unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes, the time to be equally divided between myself and the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. KUCINICH. Mr. Chairman, reserving the right to object.

Mr. SABO. Mr. Chairman, I have no problem with that, with the exception that the time on our side should be controlled by the gentlewoman from California (Ms. ROYBAL-ALLARD), who is authoring the amendment.

Mr. ROGERS of Kentucky. I so amend my request.

The CHAIRMAN pro tempore. If the gentlemen will suspend, the gentleman from Ohio (Mr. KUCINICH) raised a point of objection and needs to be heard on his reserving his right to object.

Mr. KUCINICH. Mr. Chairman, reserving the right to object, it seems that there are a number of people on our side here who are prepared to speak to this, and I think that before we agree to a unanimous consent, it would be good to poll to see how many Members we have so we are not going to be denied an opportunity to present our concerns about this and our support for this amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Minnesota.

Mr. SABO. I think that has been done.

□ 1200

Mr. SABO. Mr. Chairman, we have a growing list of Members who want to give speeches, and I ask the gentleman to withdraw the request for 1 minute.

Mr. ROGERS of Kentucky. Mr. Chairman, I would point out there is a grow-

ing list of Members who want to get out of here tonight.

Mr. Chairman, I withdraw the unanimous consent request.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The unanimous consent request is withdrawn.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish we could decipher our commitment to creating jobs from the important responsibility of homeland security. Whenever we see these two goals hitting up against each other, the idea of privatizing and creating jobs in America versus taking jobs away from the government, we would think that job creation has a truly bipartisan premise, but my good friends keep utilizing it in the wrong way.

Homeland security needs accountability. Homeland security clearly dictates, if you will, assuredness, preciseness and oversight. It is very difficult to ever see homeland security being privatized. In this instance many of these employees, although they are dealing with the benefits side of homeland security under the immigration benefits section, they often use highly classified information to prevent immigration fraud and to ensure that terrorists do not exploit the immigration laws.

More importantly, there are people who are standing in line, thousands of them for years, who count on Federal employees with the kind of interest and commitment and integrity to ensure that the process works. Yes, we have a backlog and in fact our committee, the Subcommittee on Immigration and Claims of the Committee on the Judiciary, just heard from the Director of the Bureau of Citizens and Immigration Services that in fact he is presenting the President's plan on decreasing that backlog.

There was nothing in that representation that would suggest that it could not be done without the employees present other than the fact that I raised the question that we might need more resources to add Federal employees who are under oath, who are hired under certain conditions to do the job. I cannot imagine that we would argue to privatize this very serious and very important task of the Department of Homeland Security. It does not make sense. For the Office of Management and Budget whose only responsibility is to crunch the numbers and find where they can allegedly save money and not make the good judgments what is responsible legislation, which is to provide secure employees to do secured work, the General Accounting Office could not even document that what OMB represents to be a saving would be true. The General Accounting Office challenged the OMB's estimated savings derived from privatization, and the Comptroller General recently stated that GAO cannot verify OMB's claims because government agencies do

not have those kinds of reliable accounting systems.

I say to the chairman and the ranking member, and I again cite them for their good work, there is no documentation that we can save work, but there is documentation that if we privatize this we have no oversight into the mishaps, confusion and the absolute inability to help us bring down the backlog, at least with adding the resources necessary to those Federal hires, those Federal employees, and I thank the gentlewoman for this excellent amendment, and for pinpointing a weak point, and that is privatization of important services utilized by the Department of Homeland Security.

I would argue vigorously in support of this amendment, but I caution my colleagues to realize that these are important and secure matters: One, on behalf of those who are standing in line to access legalization, which we want them to do; and two, indicating and securing the fact that no one can abuse the service; and lastly, I would say the oversight of this Congress would be undermined by privatizing this very important responsibility. I ask my colleagues to support the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, that the time be equally divided between myself and the gentlewoman from California (Ms. ROYBAL-ALLARD).

Mr. BERRY. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. BERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. BERRY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, could we not have agreement on the limitation? I think it is agreed to by the ranking member and all parties on the subcommittee of which the gentleman is a member. Could we not have a unanimous consent to limit the debate time?

Mr. BERRY. Mr. Chairman, with all due respect, I do not think there is anything more important than the debate we are having today. I think that those that have something more important to do, I think it is perfectly all right for them to go ahead and do it.

Mr. Chairman, we are having this debate. We are making decisions that are going to affect the future of this country. This is a very serious matter. We have gotten ourselves, this administration has gotten this country in a terrible mess, and one of the things they have done to cause this to happen is to outsource, to take jobs that belong, that should be done by the government and contract them to somebody else.

I am beginning to wonder if we are going to see a resolution on this floor that says all government functions will be contracted to Halliburton with a

sole source contract agreement, and to ask this House to approve such a ridiculous thing.

We have a serious problem on our borders. It needs to be handled by serious people. We have gotten in trouble in Iraq because we have hired people to do what should have been a military function or a function of the government and turned it over to something else, to somebody that had no accountability, somebody that does not have to prove that they have done it right. We need to have this debate.

This administration just simply does not understand the difference in getting the job done for the American people and a good excuse when they fail. That is where we are right now. And the generations that come after us are going to have a terrible mess on their hands to deal with. It is all because we have not been responsible in seeing that the job got done, and it is time for this body to uphold its responsibility and hold these people that are running the government accountable. This amendment will make it possible for us to do that.

I urge the Members of this House to take this bill and what it means in this amendment very seriously. We know that when Americans are given the task that they will do the job and do it well. When we start contracting out these responsibilities of our agencies like this amendment prohibits, we do not have any way of knowing what is going to happen. We are going to just turn it out. My goodness alive, I cannot imagine what kind of ridiculous things might pop up after what we have already seen that this administration is willing to do. It is time for this body to exercise oversight that we are responsible for using.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take 5 minutes and I trust my colleagues are not going to either, but I do want to express my support for this amendment. It is a very important issue, a principle upon which I could not agree more with the author of the amendment because the functions that are going to be contracted out, if this amendment does not pass, are in fact inherently governmental.

We are talking about approximately 1,400 professionals, experienced people, who have to apply judgment. They need to determine whether law enforcement agencies need to be notified, they need to determine who should come into this country, who should be deported, who should be arrested. This is not something you want to contract out to private firms who may be very well intentioned, but the fact is that ultimately it is a profit incentive that motivates them to compete for this contract.

These are governmental jobs that need to continue to be governmental. If this goes through, it is like contracting out income tax collection. I cannot

imagine many more jobs that could be more important that could not be more inherently governmental than this. If this amendment does not pass, it jeopardizes the safety and security of the American people; and certainly it is a slap in the face of the extraordinarily good, professional work that is done by the vast, vast majority of people working for the Customs and Immigration Services.

Please support the Roybal-Allard amendment, and let us do the right thing by a government that we have every reason to be proud of.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to try to ask the indulgence of all Members on both sides. We had extended debate yesterday on the Interior bill, and we have a lot of amendments on this bill. We have been negotiating for 2 days trying to reach an overall understanding between the parties about how we will proceed on all of the remaining appropriation bills between now and August. We are trying to work out an arrangement which will allow those bills to proceed in an orderly civil manner with minimum of ying and yang, leaving full room for Members to offer whatever amendments they want to offer.

To facilitate that, we are trying to help move this bill along. We are getting calls from Members from both sides of the aisle every 10 to 15 minutes asking when they are going to be able to go home today. I do not want to shut off any Member. Every Member has a perfect right to address whatever issue concerns them, but I would ask if we do have offers of unanimous consent to reach time limits on some of these amendments, I would appreciate it if Members would talk to the gentleman from Minnesota (Mr. SABO) or the gentleman from Kentucky (Mr. ROGERS), depending on which party, to at least talk with us so we understand what your concerns are and Members understand what the committee is trying to do because we cannot do opposite things at the same time.

If we are to facilitate Members getting out of here today, we need to have reasonable limits on time. Nobody is trying to be arbitrary. The gentleman from Kentucky (Mr. ROGERS) has been most cooperative, as has been the gentleman from Minnesota (Mr. SABO). I would ask Members to please give us the benefit of the doubt. If we cannot reach reasonable time agreement, there is not a prayer that we will get out of here before 7 or 8 tonight. Knowing the way this place works, some of the very same people who object to time limits at 3:00 will be squawking at us at 7:00 because they have not been able to get out of here. I would ask Members to work with us. We are trying not to surprise people, and we would appreciate the same from other Members.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman from California (Ms. ROYBAL-ALLARD) for offering this amendment.

□ 1215

The amendment prevents the Department of Homeland Security Citizenship and Immigration Services from outsourcing work to contractors. The work performed by immigration information officers and their colleagues is not only a critical responsibility; it is a critical governmental responsibility.

Our Nation depends on CIS to review immigration applications in a timely and judicious manner. Our Nation depends on CIS to discern questionable applications and possible threats to our public safety. Our Nation depends on CIS to protect our immigration process and to be accountable.

In fact, the General Accounting Office has argued that INS does not currently have the infrastructure to contract its work out and still be able to ensure success. INS has such a tremendous backlog that full entitlements through citizenship are being denied to hundreds of thousands of people in this country today because of that backlog. Let us give the INS the resources they need to accomplish their tasks, as opposed to outsourcing their jobs.

This work is too important to our government, to the people of our Nation. It is too important to all of us to not be done well and not to be done properly.

Clearly, such a governmental responsibility must remain with the government. I urge an "aye" vote on this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentlewoman from California (Ms. ROYBAL-ALLARD). The Department of Homeland Security should be prevented from undertaking its privatization review of the investigation and adjudication of applications for immigration rights and benefits. It is simplistic to assume that privatization automatically leads to savings and efficiency. Sometimes it does not, and this case is one that clearly does not. Consider that.

The Department of Homeland Security, that part of the Department of Homeland Security which is formally known as the Immigration and Naturalization Service, does not keep track of its existing contractors, according to the General Accounting Office.

Specifically, GAO said the INS, which is now the Department of Homeland Security Citizenship and Immigration Services, does not have the basic infrastructure, including oversight, information and an acquisition workforce in place to ensure that its contracting activity is effective. INS has not consistently ensured that acquisition personnel are adequately trained to do their jobs, and this is from a GAO report less than a year ago.

Number two, independent parties report that the Department's recent contract for similar, but much simpler, work has had disastrous results. According to dozens of civil rights advocates, recent experience with the national customer service center offers another example of the negative impacts of contracting out immigration functions and the differences that result from using an outside contractor rather than a trained CIS employee. The contrast has been profound, and the resulting problems ranging from the frustrating and time-wasting, to truly damaging errors.

Before the June changeover, existing government personnel readily solved the majority of these problems. Operators who now answer the calls know nothing about the subject of the call and rarely provide assistance. So much for contracting out. These operators who work from scripts frequently cannot even identify which script they should be using and are rarely able to provide meaningful assistance. In fact, they often provide answers that convey a clear misunderstanding of the subject matter with which they are dealing.

Number three, the Department, according to internal documents, has failed to heed warnings from its own staff and consultants that this particular privatization review is ill advised, because it is poorly structured, unlikely to generate efficiencies, and inspired in order to meet a privatization quota that has been prohibited by Congress and repudiated by the administration.

I have some familiarity with an example of privatization through the A-76 process and would like to share it with my colleagues. During 2000, the Defense Finance and Accounting Service conducted an A-76 competition for its Military Retired and Annuitant Pay functions, most of which are performed in my district in Cleveland. A private contractor, ACS Government Solutions Group, was awarded the contract on the basis of a very small cost advantage, over \$1.9 million over the entire 10-year contract period.

In March of 2003, the Inspector General of the Department of Defense reviewed this A-76 award. It determined that the award to a private contractor in 2001 was erroneous. According to the IG, an error committed by the private company hired by DFAS to prepare its in-house bid resulted in an erroneous high bid by the government. The error was compounded by the audit division of the DoD IG, which served as the independent review officer and which failed to discover the error. As a result, the higher bidder actually won the competition.

Now, in spite of these findings, DFAS has renewed its contract in each succeeding year with the higher bidder. Now, what is the lesson we should learn?

First, privatization does not necessarily equal efficiency. Second, privatization does not necessarily lead to

savings in cost, and third, privatization wastes taxpayers' funds and degrades the performance of government work. Vote "yes" on the amendment of the gentlewoman from California (Ms. ROYBAL-ALLARD) and prevent a waste of taxpayer funds.

Mr. TURNER of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roybal-Allard amendment to stop the privatization of immigration information officer positions. As the ranking member on the Select Committee on Homeland Security, I have serious concerns about the impact this privatization initiative will have on our Nation's security. Immigration information officers and contact representatives interview immigrants, they review their documents for fraudulent and illegal activities, and they perform criminal background checks.

In order to do their jobs, these employees must acquire a large body of information and knowledge about our ever-changing and incredibly complicated immigration laws. To abandon the years of accumulated expertise of this group of Federal employees places our Nation at risk. In the war on terror, there is no room for error.

At a time when we must be focusing on security at our borders, we should not create the turmoil that is inherent in competition for these security-related jobs. After September 11, this Congress determined that giving the critical task of securing passengers and their baggage at airports should not be awarded to the lowest bidder, and we federalized the TSA screening force. Why would we give an even more critical and complex task of reviewing whether a passenger may be a terrorist to the lowest bidder? I urge adoption of the amendment of the gentlewoman from California.

Mr. BEREUTER. Mr. Chairman, this Member wishes to express his support for the Roybal-Allard Amendment to prevent the A-76 privatization attempt of the Bureau of Citizenship and Immigration Services (BCIS) at the Department of Homeland Security (DHS).

The Department of Homeland Security mission statement reads as follows: "We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce."

The outsourcing of the positions of Immigration Information Officers (IIO), Contact Representatives (CR), and Investigative Assistants (IA) is harmful to the DHS mission because these jobs and their functions are inherently governmental and vital to national security. Any job that requires the officer's knowledge and application of U.S. immigration laws and regulations is inherently governmental and crucial in determining who is eligible for immigration benefits, as well as identifying potential terrorists and national security threats. Therefore, these jobs should not be offered to contract providers outside of the Federal Government.

One of my constituents recently wrote to this Member, voicing his opposition to the outsourcing plan. This constituent is an Investigative Assistant within the BCIS. He writes, "Given the current political climate of heightened security among all federal law enforcement agencies, any decision to outsource CIS positions would be detrimental to the country. It is imperative for Americans to have faith in our government's ability to protect our country. Having government workers doing a job of such significance gives the people of this nation the confidence and sense of security that is needed in these volatile times."

He is absolutely right, and this constituent certainly is not alone in his views. In the state of Nebraska, the jobs of 115 full-time employees within the BCIS are at risk. This number is only behind those projected statistics in California and New York. In this Member's district alone, 112 jobs are inappropriately at risk due to the A-76 proposal.

Now, this Member does not in concept or principle oppose A-76 privatization. Indeed, this Member has accepted the legitimacy of applying A-76 for various other Federal employment positions in his District. But obviously this process is badly flawed with suggested applications of this procedure in the kind of job positions addressed by the Amendment of the distinguished gentlewoman from California, Mrs. Roybal-Allard. Its application to described positions in DHS jeopardize national security and the proper accomplishments of the mission of the agency.

In closing, Mr. Chairman this Member encourages his colleagues to support this Amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentlewoman from California (Ms. ROYBAL-ALLARD).

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

Ms. ROYBAL-ALLARD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. ROYBAL-ALLARD) will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. RYUN of Kansas:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. RYUN of Kansas. Mr. Chairman, the oath of allegiance has served as the gateway to American citizenship for over 200 years. When immigrants speak its forceful words, they pledge their unfettered allegiance to America, to the Constitution, and to our laws. This im-

portant symbol of American citizenship is not specified by law, however; and it can be changed on the whim of a government agency. In fact, such a change has recently been attempted and would transform the absolute commitment to our Constitution into a conditional statement, thereby weakening our citizenship.

The proposed changes would eliminate certain forceful words and phrases, substantially weakening the charge to uphold and be faithful to the Constitution and the laws of the United States. Specifically, it eliminates the call to bear true faith and allegiance to the Constitution. In addition, the oath of allegiance currently calls on Americans to renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty while the proposed oath renounces allegiance only to foreign states.

We should continue to welcome legal immigrants into our country. Yet as we continue to fight the war on terror, we must maintain a forceful and uncompromising oath of allegiance. Many of our terror threats are not from organized geopolitical states, but rather from groups like al Qaeda led by the likes of Osama bin Laden. On March 11 in Madrid, we were reminded of the very real presence of organized, nonstate-sponsored terrorism aimed at the United States and our allies who are committed to eliminating global terrorism.

The threat of terror and the attempts to infiltrate American society have not passed, nor has the need for a strong renunciation against any foreign sovereignty. Now is not the time to water down the words of commitment necessary to becoming a citizen of the United States. That is why I am offering this amendment, which would restrict the U.S. Citizenship and Immigration Services from using funds to change the oath of allegiance.

Throughout our history, our Nation has been strengthened by immigrants who came here to pursue the American dream. Keeping the strong, meaningful text of the oath would remind all Americans that pursuing that dream also requires a full-time commitment to citizenship, a commitment not unlike what Thomas Paine once called the summer soldier and the sunshine patriot, that shrank from the service of his country in times of crisis. The oath should continue to support freedom, democracy, and our constitutional rights. I encourage my colleagues to vote for this amendment.

Mr. Chairman, I would ask the gentleman from Kentucky if he has any reservation about my amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RYUN of Kansas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. If there are no further speakers on the amendment, I will agree to it. If there are further speakers, I will oppose it.

I think it is a wonderful amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. SABO. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

Mr. ROGERS of Kentucky. Mr. Chairman, in the interest of time, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 24 minutes and that the time be equally divided between me and the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I thank the gentleman for yielding me this time.

Mr. Chairman, the purpose of the amendment is to prevent the use of Federal funds by governments who adopt sanctuary policies. These are laws that prohibit State or local government entities or officials from sending to or receiving from the Bureau of Immigration and Customs Enforcement information regarding an individual's citizenship or immigration status.

I assume considering the fact that we have had this amendment on the floor before and I recall the kind of debate that we had, a great amount of that debate will center around the actual law that is on the books and not my amendment. I want to stress the fact that there is a law. It has been on the books for 10 years. It is section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. That law is there.

This amendment does not change the law, it does not repeal the law, it does not add anything to the law. That is the law that is on the books. It says States and local governments essentially cannot impede the flow of information to the Department and/or stop the flow from the Department.

The problem, of course, is that States and localities around the country, a relatively small number but nonetheless a growing number, are disregarding that provision of the law. They do not care. They are, in fact, adopting things that we consider to be certainly problematic and certainly fly in the face of the law. By enacting



these misguided and illegal sanctuary policies, a handful of local governments have put the rest of the country at risk.

□ 1230

In addition, the refusal of these governments to share information with Federal immigration authorities inevitably results in a local law enforcement arresting and then releasing criminal aliens who may then move on to commit other crimes in the country rather than being deported. The Washington Times, for example, reported in June of last year that in December there was a rape of a woman in New York, a particularly brutal rape and battery. Four of the five men charged in the case were illegal immigrants, and three had are prior convictions that, in keeping with Federal law, would have allowed their deportation had that information been originally provided to the Federal authorities.

As a result of the great amount of public clamor about this particular incident, the City of New York has, as I understand it, repealed that particular provision of their law so that that is what needs to happen, of course, I think, throughout the country.

In order to prevent these kinds of resolving-door injustices from occurring, we must create a financial disincentive for cities and States that choose to violate the law. Since September 11 Members of both sides of the aisle have bestowed the virtues of intergovernmental cooperation between State, local, and Federal law enforcement authorities to prevent future terrorist attacks. State and local governments should not be able to unilaterally prevent this kind of cooperation by disregarding the Federal law and jeopardizing antiterrorism efforts.

A message that continued subversion of Federal immigration law will not be tolerated must be sent loud and clear, and the prohibition on the expenditure of those funds will prevent this.

We have a very difficult time. The Federal Government has an enormously challenging responsibility in trying to both adopt and enforce immigration policy. It is made even more difficult, the problems are exacerbated a thousand times, when cities and localities and States around the Nation decide to enter into this arena and decide to begin adopting their own immigration policies. We cannot have hundreds of immigration policies developing throughout the country, State by State, city by city.

Once again, I reiterate, my amendment has nothing to do with the law that is presently on the books, and I know that there will be a lot of discussion about the law, and if someone wants to introduce legislation to repeal that law, that is of course their right to do so. But that is not what this is about. This is about essentially trying to provide some sort of disincentive for people who do violate that law.

#### POINT OF ORDER

Mr. SABO. Mr. Chairman, continuing to reserve a point of order against the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman is recognized.

Mr. SABO. Mr. Chairman, I am trying to find out whether I should pursue the point of order or not, and I get different interpretations of the gentleman's amendment and what it is intended to do. If it does not do much or anything, then I think the amendment is in order. On the other hand, the rules say we cannot legislate on an appropriation bill, and if it does something, then it seems to me it may not be in order.

Mr. ROGERS of Kentucky. Mr. Chairman, if I could speak on the point of order, as I read the amendment, it says no funds may be used to violate the law, and I am prepared to accept that.

Mr. SABO. Mr. Chairman, so the gentleman's judgment is the amendment does not do anything?

Mr. ROGERS of Kentucky. Mr. Chairman, it says Federal funds cannot be used to violate the law. I agree with that. Does the gentleman not?

Mr. SABO. Mr. Chairman, I know we have Members' concerned and who want to discuss this issue. But the amendment has left me confused. But I do recall a year ago I was confused by an amendment and after some discussion, the House voted the amendment down. And so I am still trying to sort out if it does something or does not do something.

Mr. ROGERS of Kentucky. Mr. Chairman, that amendment last year was altogether different. As I read this amendment, it is fairly simple. It has been modified, obviously, and now just says no funds may be used in contravention of section 642(a) of the Act, and I find it to be innocuous, frankly.

Mr. SABO. Mr. Chairman, would the gentleman from Colorado agree?

Mr. TANCREDO. Mr. Chairman, I would agree with the gentleman from Kentucky's (Chairman ROGERS) definition of an analysis of this amendment.

Mr. SABO. Mr. Chairman, I withdraw my reservation of a point of order and reserve my time.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, as the late Ronald Reagan said, here we go again. The gentleman from Colorado (Mr. TANCREDO) offered this ill-conceived amendment last year, and it was soundly defeated by a vote of 322 to 102 with all Democrats who voted voting against and a majority of the Republican conference also voting against.

And if I were to listen to the gentleman from Colorado (Mr. TANCREDO), he says, well, this does not really do anything to the law. Then why do we need it? The reality is the words may be modified, but the purpose is the same.

Number one, this says none of the funds, no funds, will go to any municipality, any State entity, any governmental entity for any homeland security purpose if they have chosen in a totally legitimate way not to violate the privacy laws, not to give information about someone's citizenship, like mine, or anyone else's, because that is the way the gentleman's amendment originally read. He just scratched it out. And that is in essence what he is seeking to do, and it is in essence what it does.

We all know the gentleman from Colorado's (Mr. TANCREDO) stated intention. He wants all of us who look a certain way, who have certain names and speak a certain way to have Big Brother filter us out.

Secondly, this is a coercive action against any State, municipality, or other entity to say to that State, municipality, or other entity they must do a series of things, including giving information on a person's citizenship status, like my citizenship, which I was born in this country, to the INS.

So much for State rights. So much for the local municipalities know best. So much for all I have listened to in the last decade from my Republican colleagues speaking of State rights, of local rules, of States knowing best. And imagine denying critical dollars to protect all citizens of a State, county, or local government of homeland security funds, funds for police, fire, emergency management and preparedness. Not only would that public entity be directly hurt, but the Nation itself might be hurt if that State, city, or country is a portal, a gateway, into America and having had the funds denied, not being able to protect itself and that portal into the rest of the country.

The gentleman from Colorado's (Mr. TANCREDO) obsession could very well risk the national security of the United States, and this is an unfunded mandate on all of those government entities trying to be make it an extension of what is the INS. This is the real intent, to make every police department, every sheriff, and every law enforcement entity an arm of the INS. They have rejected those views. That is why we keep hearing this as Hispanic outreach. We do not need it. Reject the amendment.

#### POINT OF ORDER

Mr. ROHRABACHER. Mr. Chairman, I make a point of order.

I would like to inquire of whether or not if someone makes an allegation against a former Member that race is being taken into consideration by his decisions, whether or not that is, in fact, calling another Member a racist and whether or not that is just what our colleague just did to the gentleman from Colorado (Mr. TANCREDO).

The CHAIRMAN pro tempore. The Chair would respond that it is against the House rules to engage in personality toward other Members.

Mr. ROHRABACHER. Mr. Chairman, so if our colleague just indicated to

that the gentleman from Colorado's (Mr. TANCREDO) consideration was because of the way people look and their race, that is a reason to have our colleague's words taken down? Is that right?

The CHAIRMAN pro tempore. The Chair would advise all Members to refrain from impugning the motives of other Members in the debate and discussions on amendments and legislation.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations for yielding me this time.

Mr. Chairman, I rise in support of the Tancredo amendment because facts are stubborn things. Allegations, no matter how offensive, no matter how predictable from some in this House, have a way of being displaced by facts. The fact is federalism is dynamic because constitutionally there are responsibilities reserved to the States and localities, but more importantly, there are responsibilities constitutionally delineated to the Congress of the United States.

I would remind my colleagues and specifically the preceding speaker that Congress, not States or cities, has the sole authority to draft and enact immigration policies. By permitting States and localities to flaunt Federal law enacting sanctionary policies, Congress is effectively allowing local governments to set up their own patchwork of individual immigration systems.

Mr. Chairman, national security is synonymous with border security. Congress must act to put an end to these policies that allow this patchwork of different immigration policies based on whatever the whim of a certain locality or a certain State may be. We must do that if we are to maintain an orderly immigration system and to ensure that Federal antiterrorism efforts are successful.

In contrast to those who would come with tiresome and objectionable notions that this is based on race, this is nothing of the sort. This is based on national security and understanding that we must know who comes into the country. Certainly there should be effective, consistent enforcement across the board. That is why I rise in support of this amendment and ask the Members to join me in this support.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Chairman, I rise today, as I did a year ago, in strong opposition to the gentleman from Colorado's (Mr. TANCREDO) amendment. I hope that the Tancredo amendment will be ruled nongermane.

I felt obligated as an American to come to the House floor to remind this body of what America stands for as well as to question why anyone in the House of Representatives is offering such an amendment instead of focusing on the immigration reform measures such as "The SOLVE Act," H.R. 4262, the brainchild of the gentleman from Chicago, Illinois (Mr. GUTIERREZ). The SOLVE Act would provide for earned adjustment to reward hard work, reunify families, establish a temporary worker program that protects the United States and foreign workers and strengthens national security under the immigration laws of the United States.

The Gutierrez legislation is constructive while, on the other hand, the gentleman from Colorado's (Mr. TANCREDO) amendment fails to promote improvement or development.

As is inscribed in the Statue of Liberty, we need to remember here in Congress the generous invitation that the United States has always sent to the world. I quote from that inscription.

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door."

□ 1245

It does not ask to shut our doors completely from the outside world and become an insular, protectionist, racist Nation. This amendment, as well as the other one that the gentleman from Colorado (Mr. TANCREDO) might offer, are contrary to American values.

Here we truly have forgotten the all-American dream inscribed on the Statue of Liberty. We need a responsible immigration policy that enhances our security. This Tancredo amendment is decisive and will actually endanger our communities. Law enforcement officials throughout the country oppose it, and I urge my colleagues to also oppose the Tancredo amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, we have a monstrous threat to our well-being, and it is not just the terrorism that comes in forms of people flying airplanes into buildings. We have millions, millions of people crossing our borders illegally; and if we do not come to grips with this challenge, with this threat to our people, it will dramatically decrease and hurt the standard of living of our own American people. We know that. There is no doubt about it.

We are proud to be a Nation where we allow more legal immigration into our society than all the other nations of the world combined. But illegal immigration in the form of millions of people coming into our society, consuming resources for education and health care, making a mockery of our judicial

system and tearing down the police protection that we have got for our own citizens is damaging the well-being of the people of the United States. It is out of control; and unless we do something about it, our people are going to suffer. They are suffering right now in California. Their children are not getting as good an education and health care available.

This amendment simply says that the law needs to be enforced, and that all Americans, all Americans, especially those in law enforcement in local communities and throughout the country, have an obligation to enforce the law.

This has nothing to do with legal immigrants. It has everything to do with people who have broken the law. If people were robbing stores throughout the country and the police were not enforcing the law because local city councils were in league with the criminals, we would say that the local police have to enforce the law.

I will tell you this much: the billions of dollars being drained out of our health care system, the billions of dollars being drained out of our education system to take care of people who have not contributed, not contributed because they come over and in the same year they are on those social benefit programs, this is the same kind of crime; and it is a crime against the people of the United States. All people involved in law enforcement should be enforcing that law.

Mr. Chairman, I support the Tancredo amendment.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the amendment being offered by the gentleman from Colorado (Mr. TANCREDO).

These amendments, in my opinion, are not only mean-spirited, but I believe they are also dangerous to America's national security. These amendments, all of them, force State and local police officers into positions of Federal immigration agents. If they do not assume this responsibility, America's cities and towns will lose their anti-terror Federal dollars.

This is an amendment, in my opinion, that would make Osama bin Laden proud. It weakens our national security, further burdens our overworked police departments \* \* \*

Mr. TANCREDO. Mr. Chairman, my colleague has been warned about that kind of language in the past. I ask that my colleague's words be taken down.

Mr. CROWLEY. Mr. Chairman, I am talking about people who may be Irish. I am not talking about people of any race.

Mr. TANCREDO. Mr. Chairman, I request that my colleague's words be taken down.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will report the words.

□ 1255

Mr. CROWLEY. Mr. Chairman, I withdraw my words, and I would state for the RECORD it was never my intention to impugn the sponsor of this amendment in any way, shape, or form.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection?

Without objection, the words are withdrawn. The gentleman from New York (Mr. CROWLEY) is now recognized on the remainder of his time, 2 minutes remaining.

Mr. CROWLEY. Mr. Chairman. I would, though, draw the attention to the amendment itself, which does not take into account the fact that many people who are immigrants in this country come in different shapes, sizes, colors, and races, and this bill does not take that into account.

The amendment would take away any State and local government's ability to decide which policies allow them to best serve and protect our communities. Yet, that is precisely what all of us desperately need them to do.

State and local police officers are often our first responders in times of terrorist attacks. Their jobs are already incredibly difficult and incredibly critical. To threaten them with reduced resources is not only offensive to the work that they do, it is also dangerous to the communities that they strive to protect.

I find it interesting that the Republican Party is always out there praising America's police department, especially New York City's Police Department after 9/11. But in a Dear Colleague that was sent around, an example of New York City was used as a place that would lose police funding if this amendment passed. Yes, it is actually advocating slashing Federal dollars for New York City Police Department.

This amendment is not only wrong-headed, I just think it is wrong. First the Republicans try to slam a bill down our throats to make doctors INS agents, now they are doing it with our local police forces.

This amendment is a direct slap at the New York City Police Department, and I believe it is demonstrated in this Dear Colleague. I urge everyone to not only vote against this Draconian amendment that will leave our cities even more vulnerable to al Qaeda and other terrorists, but to actively speak out against this amendment in their constituencies.

I am also told that the GOP is reaching out to Latinos and other groups for political benefits. I say to those Latino communities to examine that the Republicans say one thing, but their mean-spirited legislation speaks louder than any of their words.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, over a century ago, my great-grandfather came from Sweden to chop sugarcane in Louisiana. He came for the same

reason that so many people come to this country from Mexico today—to take on some of our society's most difficult jobs, to create a better life. And when an illegal entry occurs, it is not the result of the policy of the City of Pharr, Roma or McAllen, but they have to cope with the consequences of a Federal policy they do not control. If undocumented workers, who are too often the victims of crime, hesitate to report crime because they fear the police, then our entire community loses.

Austin Assistant Police Chief Rudy Landeros has made the Austin Police Department a leader in building confidence with immigrants and working with them, giving them the respect crime victims deserve, because the Austin Police Department and so many others recognize it is essential to fulfilling the mission of public safety.

The Tancredo amendment would destroy such pragmatic local initiatives and would endanger all of our families. It must be rejected.

Our police departments have a difficult mission, and we do not need congressional interference at this critical time as they fulfill that mission.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise in support of this amendment. I agree with the position made from the other side of the aisle when they make reference to a statement on the Statue of Liberty that we are a nation of immigrants and we have an obligation to welcome immigrants to this Nation in the past, in the present, and in the future. But this amendment does not change that at all.

I would ask the other side who says that we should not be thwarting municipalities, counties, or State governments with their own decisions and their own prerogatives on these areas when it is under the Constitution the prerogative of Congress to set immigration policy.

Would the other side of the aisle say that we should allow the municipalities to do the reverse? Some municipalities want to set up sanctuaries. Should we allow other municipalities to thwart all immigration into their town altogether? If we are going to let municipalities rule immigration, I guess you would say that they should have that authority.

What rule of law then should we allow municipalities to decide on their own where Congress has the obligation? Should we allow the Civil Rights Act of the 1960s to be decided by the municipalities and be rewarded by the municipalities if they were to thwart those, even though Congress has clearly set down what the delineations of the Civil Rights Act is? I say no.

The Constitution clearly says immigration is the authority of Congress to set forth. We have set forth in the past, and we shall in the future, and the municipalities shall not thwart them.

Mr. SABO. Mr. Chairman, I yield the balance of the time, which I think is 30 seconds, to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member. I rise to vigorously oppose this amendment. This would create a torturous relationship between communities, police, and the immigrant community that has often been the key to solving crime problems as well as problems that may impact the security of this Nation. How would you like to live in a community where your local police were charged with the responsibility of raiding your community? We need to let Federal laws impact Federal laws. We need not have local individuals dealing with Federal laws. The laws are right as they are, and we should not deny those who are protecting the community needed resources that they need to have.

Let us oppose this amendment. This is a torturous and destructive relationship for our cities and the people that live there.

Mr. Chairman, I rise in opposition to Representative TOM TANCREDO's amendment to the Homeland Security Appropriations Act, H.R. 4567. The effect of this amendment would be to enact a provision from the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills compel state and local police officers to become federal immigration agents by denying them access to federal funds they are already receiving if they refuse these additional duties. Specifically, the Tancredo amendment would deny funds to any state or local government that limits disclosure of immigration status.

We count on state and local governments and law enforcement authorities as first responders when national security is threatened. Since 9/11, they have taken on significant new duties and are facing dwindling resources. Further cutting their resources is not going to help enhance national security, and, in fact, the Tancredo provision could make our communities less safe.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, North Carolina, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having state and local police forces report immigration status to the Bureau of Immigration and Customs Enforcement

(ICE) would be a misuse of these limited resources.

ICE also has limited resources. It does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every state and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield the balance of the time to the sponsor of the amendment, the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Chairman, I thank the gentleman for yielding me this time.

I have oftentimes of course been on this floor in the debate revolving around immigration issues. We have tried desperately to keep that debate focused on the issue itself and away from innuendo and slur. That was the purpose I had in originally asking that the gentleman's words be taken down, to avoid that kind of thing, and I appreciate that the gentleman, in fact, withdrew his remarks. Remarks like those are not only an insult to the people to whom they are made, they are demeaning to the maker.

It is also important to understand that this debate has gone on now and has been centered on the other side on whether or not we should, in fact, uphold the law. Again, what a peculiar thing to be talking about here. It certainly has nothing to do with the Statue of Liberty or anything that is written on it.

The fact is there is a law. It is on the books. It has been there for 10 years. It says that cities must provide information about immigration and they cannot stop the flow of information from the Bureau of Immigration and Customs Enforcement. That is what it says. They are doing it.

Now, if we do not like the law, then, of course, as I said in my opening remarks, introduce a bill to repeal it. But it is there. And to stand on the floor of the House of Representatives and suggest that people should, in fact, disregard it, that cities and localities should ignore it, and that we should even reward them for doing so by providing them Federal dollars does seem, to say the least, peculiar. But that is the debate here. It has nothing to do with immigrants, with people from various countries, with the help that they can provide in various services. We are talking about simply not providing some disincentive for cities and localities who break the law.

I ask my colleagues to please think beyond the rhetoric. All of it is used to obfuscate the issue. It is just about the law. I ask for the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDI).

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

Mr. TANCREDI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDI) will be postponed.

Are there further amendments?

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MALONEY:

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

SEC. \_\_\_\_ None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", may be used for more than 80 grants.

Mrs. MALONEY. Mr. Chairman, I thank the chairman and the ranking member for all of their hard work on this truly important bill.

The Maloney-Rangel-Weiner amendment would limit the number of grants made under the Urban Area Security Initiative to 80 total grants. This is the same number of grants that were distributed by the Department of Homeland Security this year.

Since the Sweeney amendment was not adopted that would increase funding to the high-threat level the President requested, capping the number of grants to this year's number is the best way to ensure that the same places that are targeted by terrorists are targeted by the aid. This amendment will ensure that high-threat money goes to high-threat communities.

As every terrorist expert will tell us, we need to secure the high-profile areas targeted by terrorists. Yet, it seems that since the program started, we are more concerned with expanding the number of grants than securing the most vulnerable areas.

We first started with 7 grants to cities. We then grew to 30. Now we are at 80 total grants, 50 to cities and 30 to transit authorities. We are in danger of losing our focus on the core mission of most effectively protecting ourselves with the limited resources we have.

Over the first 2 years of the program, we have seen an increase in the number of grants, but we have cut the funding levels from \$800 million in 2003 to \$725 million in 2004. The result of the rapidly expanding list of entities eligible for high-threat monies was a dramatic cut for some of the highest threat cities.

For example, last year, New York got \$150 million of Federal high-threat aid. This year, it shrunk by 69 percent to \$47 million. The DC area suffered a reduction of 52 percent of high-threat money. Chicago was cut by 17 percent of their funding. But believe me, DC, Chicago, New York, Houston, Seattle, they have not seen a decrease in their threat levels or a decrease in the amount of money that their local governments are forced to spend on the protection of their people.

One positive step that this bill takes today is a general increase in high-threat money, from \$725 million this year to \$1 billion. But I am concerned that if this trend continues, the number of grants will continue to increase, and the aid to the areas under the greatest threat will continue to see their aid decrease.

At a time when the administration tells us terrorists are eager to attack, we need to make sure that high-threat grants actually go to where the high threat is. That is what this amendment attempts to do.

This high-threat grant program and list cannot become another pipeline for general spending for other needs. We have to uphold it as one way to actually give the cities at risk the help that they need.

Targeting money to these high-threat areas is not sending money to prevent some hypothetical threat. The cities on the high-threat list either have been the victim of a terrorist attack or, at the very least, have been talked about by the terrorists as a target area.

We know how the al Qaeda thinks: If at first you do not succeed, try, try again. They viewed their first attack on the World Trade Center as a disaster, as a failure, so they came back with a vengeance on September 11.

There have been several other planned attacks in New York City that have been foiled. If we take a look at terrorist attacks or known plots over the last number of years, there is one thing in common: they are all on the list of high-threat cities.

We can point to the millennium plot in Seattle, Washington. Plans to attack the Los Angeles International Airport, the September 11 attacks against New York and Washington, DC, and just this week, the Attorney General told us that there was a plot on a shopping mall in Columbus, Ohio. Seattle, Columbus, LA, New York, DC, they are all on the current list of 80 high-threat entities.

By including 80 entities, we allow the Department of Homeland Security to cast a pretty wide net, while making sure it is not too wide to be effective. We need to target the aid to the terrorist targets in our country. That is the purpose of the high-threat aid formula, and that is what my amendment does.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment seeks to cap the number of high-threat, high-density urban area grants and rail and transit security grants to the 80 presently awarded in 2004.

Mr. Chairman, the whole concept of giving monies on top of the regular distribution of funds across the country, to give extra money to certain cities in the country, the whole concept was we need to protect those cities that we know are targets from the threat information we receive from time to time, because they have extra needs.

□ 1315

And so that was the very concept of the urban area grant program which was added on top of all of the other grant programs. But threats change.

Anyone who is privy to intelligence knows that yesterday it is Columbus, Ohio. It is New York. It is Washington. It is LA. It is Chicago. But then it is Albuquerque, and who knows where. And the Secretary needs to have wide latitude. We do not need to use this pot of money as pork. This needs to go where the needs are. We do not know where the needs are until we hear the intelligence of the moment. And that is why we leave great discretion in this bill with this pot of money as with most of the others with the Secretary and the intelligence community to make these grants based on real intelligence. Not what I think or what some Member of this body thinks, but what are the real facts, what information do we have that we need to respond to. And that is why it needs to be a flexible fund.

Next year there may be 20 cities that are in that list, or it may be 10, or it may be 60. I do not know. But the funds are there for that purpose, to protect the large urban centers of high-density, high-threat urban areas. To restrict this amount, to restrict the number of cities, to say that these are these and no more, we will protect these cities and the rest of you can fend on your own, that is not right, is it?

Are we to say to a certain segment of America, you do not matter. You do not count. I do not think so. I think this Congress should say these monies are to protect Americans wherever the threat is and wherever the risk is. And we should not be monkeying around with this type of thing.

Please do not try to earmark in this bill, and this is an earmark in reverse. I oppose the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. I think that some of the remarks that were made in the last couple of minutes seem to indicate that not everyone understands what this amendment does. This amendment does not limit the discretion of the Department of Homeland Security to say that next year the same 80 cities or 50 cities and 30 transit organizations that have grants now have to get grants again. It simply

says that no more than 80 may get grants, that we cannot dilute it further.

Now, the threat may change, as the distinguished chairman as said, in which case, the Department retains the ability, the discretion to change where the grants go. What this amendment does, however, is to say that the threat is not diluted. The threat is not getting wider and wider and wider. We may have more intelligence that this city is a bigger threat as opposed to that city this year, and the Department would retain the full discretion to shift its funding based on that.

What this amendments says is, look, the Urban Area Security Initiative is the one homeland security program specifically designed to assist the cities that need help the most, the ones that are at the highest threat for terrorist attack. Yet last night, some of us said we should take other funds for homeland security and concentrate them more. This body decided otherwise.

We have certain money guaranteed for every State. But this vote says this pot of money goes only to the cities where the threat is highest, which makes sense. But if the threat is highest, in how many cities can the threat be highest? Seven, 30, 80, 200? It makes the designation of the threat being highest meaningless.

Once you have gotten to distributing the money so widely, then nobody gets very much money. Two years ago, in fiscal 2003, New York City received \$150 million from this pot of money. No one thinks the threat has diminished from New York City, and yet this year it received \$47 million, a cut of 69 percent. The national capital region's share, the cut was 52 percent.

What we are saying is from this pot of money which is directed, intended for highest-threat areas, keep it for the highest-threat areas. It is almost meaningless when you say the 80 highest-threat areas. It probably should be the 10 or 12, but certainly no more than 80.

Why 80? Because that is what they have diluted it to now. We probably should restrict it further. But to say that the pot of money that goes to the highest-threat areas should go to the 80 highest-threat areas, no more. Which ever the Department decides are the highest-threat areas, that discretion remains, is simply a statement of saying this pot of money really is for highest-threat areas, not generally to be distributed.

If we are serious again about protecting our people, we should have some money that is directed at the highest-threat areas based on however we decide the Department decides the highest threat is by whatever the intelligence is. That is what this pot of money is intended to do. To dilute it past 80 different entities makes it meaningless. Therefore, I urge the adoption of this amendment.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this amendment and I

thank my colleagues for their diligent efforts to bring this amendment to the floor.

I have always said that governing is about setting priorities. With more needs than resources, leaders must prioritize when it comes to the business of problem solving. This is particularly true in the area of public safety, which has only become more critical since the events of September 11. The federal government is responsible for protecting all Americans from the East Coast to the West Coast and everything in between. That is a vital and daunting mission, and the reality that security has a price tag means we must make thoughtful priority funding decisions based on risk and threat assessments. This amendment recognizes that reality and ensures that the most likely terrorist targets will be given the priority funding they so desperately need.

Federal money is not drawn from a bottomless well. There is a fixed amount available to go around for many needs including homeland security, military/defense, transportation, education and so on. And there is a fixed amount available within each of those needs. Homeland security money is not unlimited and once again—the needs exceed the resources. When the urban area grants were first created, we prioritized the cities with the highest threats and most critical needs. The first seven grant recipients included New York, the National Capital Region, Los Angeles, Seattle, Chicago, San Francisco, and Houston. Given the recent news reports of failed attack plans in the past, we know these priorities were absolutely correct.

Since those first grants, the program has increased to 80 grants for 50 high threat cities and transit systems. Out of the same fixed amount of money, we have gone from 7 grants to 80 and we believe this is appropriate given the current known threats and risks our nation faces. Our concern, however, is that we can not dilute that fixed amount of urban area threat money by increasing the number of grants further. Perhaps we will decide at a later date we will need to do that, but now is simply not the time.

This amendment will limit the number of grants DHS can make under this program to 80, the same number made by the department last year. This amendment will not dictate who receives the 80 grants or how much money each grant recipient gets. It simply acknowledges that we must prioritize how we disperse these limited federal funds.

As the Congressman for the Maryland 2nd Congressional District, this problem is very close to home for me. My district includes the Port of Baltimore, BWI Airport, NSA, Ft. Meade, Aberdeen Proving Grounds, and approximately 90 percent of the chemical facilities in the State of Maryland. That is quite a lot of critical infrastructure. I believe protecting these national assets is both important for my district and for the country as a whole. In addition to the tragedy of human loss in the event of another attack, we must also consider the crippling impact of environmental, commercial, economic, and infrastructure disasters. We must do all we can to protect our people, our nation, and our way of life.

I support this amendment because I believe it is a responsible and common sense approach to tackling these enormous problems.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the

gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABO:

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

SEC. \_\_\_\_\_. For the Privacy Officer of the Department of Homeland Security to conduct privacy impact assessments of proposed rules as authorized by section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142), hereby derived from the amount provided in this Act for "Aviation Security", \$2,000,000.

Mr. SABO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, this was an amendment that I was not planning to offer unless the language we had in the bill relating to CAPPS2 was stricken. And, unfortunately, there was a point of order raised on the CAPPS2 language and some very important language relating to privacy was stricken from the bill.

This is a rather simple amendment. The fact is the Department's privacy office has huge responsibilities and a limited budget. The amendment increases funding for the Department's privacy office by \$2 million. The charge of the Department's privacy office has grown far beyond what was originally envisioned in the Department's budget projection.

The Secretary delegated Freedom of Information Act oversight to this office in addition to its privacy duties. The privacy issues at the Department are huge, particularly with the TSA, CAPPS2, and transportation worker identification cards programs, and MATRIX. The privacy office will also be the last point of passenger appeals.

Because we eliminated the Capps language which required GAO to do a review of the Department's efforts to put CAPPS2 in place, and because there are new requirements being issued by the Department and how they are going to put their CAPPS2 list together, again we have a requirement in the Capps amendments that GAO review that process. That was deleted from this bill. Because of this vacuum by what we did because of a point of order, there is increased sensitivity and responsibility for this office to deal with some of what I think are the most crucial privacy issues that are involved in

the Department of Transportation security.

So I think they are going to have significant additional, they were going to have significant increase in work load before the elimination of the TSA language. That simply increases their job responsibilities and some sensitivity of what they have to do.

I urge adoption of this amendment. The \$2 million comes from aviation security which is a fund of over \$4 billion. This clearly is a very important expenditure for aviation security, and I urge adoption of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with respect to my colleague, I have to oppose the amendment. The bill provides \$2,270,000 for the Office of Privacy in 2005, which is \$1.5 million above the level enacted for the current year. And the Department of Homeland Security continues to be slow in hiring. The current vacancy rate in the Office of the Secretary, which includes the Office of Privacy, the vacancy rate is over 30 percent. A lot of that is due to the slow process of clearing people for these jobs. And we do address that in the bill in another section.

So we hope to allow them to hire people and get them on the job quicker. However, the money in the bill already allows the Office of Privacy to hire eight new staff, and I do not think they can get that many hired anyway. This amendment would increase funding even more, and it is just not needed.

So I would hope that the Members would reject this amendment. It is not needed. We have got more money there than we can use.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. SABO) will be postponed.

The point of no quorum is considered withdrawn.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have some Members that have amendments and they are on their way. I know the ranking member of the full committee has an important amendment, and I know there are a couple of others, but we are getting close.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

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

SEC. \_\_\_\_\_. Section 212(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)) is amended—

(1) by striking "(4)" and inserting "(4)(A)";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

"(B)(i) Upon application by an alien who is citizen or national of Mexico, and who is applying for admission as a visitor under section 101(a)(15)(B) from Mexico, the Department of Homeland Security official in charge at a port of entry may, in the exercise of his or her discretion, on a case-by-case basis, waive either or both of the documentary requirements of section 212(a)(7)(B)(i), if satisfied that the alien is in possession of proper identification, as provided under clause (ii), and—

"(I) is a child coming for a regular medical appointment (as evidenced by proof such as a letter from the medical professional concerned), or is the parent (or other adult chaperone) accompanying such a child, except that the number of adults admitted under this subclause shall not exceed one per child;

"(II) is a child coming with a student group to participate in an educational or cultural event (such as an athletic or academic event, a concert or other artistic performance, or a visit to a recreational, touristic, or historical site) for not more than 1 day (as evidenced by proof such as a letter of invitation issued to the group), or is an adult chaperone, such as a teacher, coach, or parent, accompanying such a group, except that the number of chaperones admitted under this subclause shall not exceed that sufficient to supervise the group involved; or

"(III) is a child coming to participate in a special community event that traditionally has been attended by individuals from both sides of the border (as evidenced by proof such as a public letter of invitation issued by the community concerned), or is a parent or other adult relative accompanying such a child.

"(ii)(I) For purposes of this subparagraph, in the case of a child, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality.

"(II) In the case of an adult, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality, and a government-issued driver's license, or similar document issued for the purpose of identification, that contains personal identifying information and a photograph.

"(iii) For purposes of this subparagraph—

"(I) the term 'child' means an unmarried person under 16 years of age; and

"(II) the term 'adult' means any person who is not a child."

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing laws and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI which states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."



This directly amends existing law.  
Mr. Chairman, I ask for a ruling.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, I would concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, although this amendment is not in order, and I recognize that, I would just like to tell the chairman that I have proposed it out of frustration with what is going on at the border between California and Mexico.

I represent that total border, and I would say that in our rush after September 11 to secure the border and protect the homeland, we have made very many important steps, many necessary steps; but we also made some wrong decisions, decisions which in fact harm our national security, harm our close relationships with Mexico, and in fact set us back in our attempt to be secure.

I refer specifically today to the practice that has been abolished at the border of giving discretion to port directors to allow children for either medical or humanitarian or cultural reasons to cross the border on a 1-day visa; to grant a waiver to the normal visa requirements, a waiver of normal requirements where we are beyond the reach of many poor people in Mexico.

They cross the border for important reasons. For example, in my district in the city of Calexico, there is a clinic called the Valley Orthopedic Clinic. For over 40 years it has treated poor children for deformities and birth defects, which gives them a future; and, in fact, they have treated over 125,000 low-income children from Mexico.

□ 1330

The practice had been for decades to allow the port director the discretion to grant this 1-day visa, a 1-day humanitarian waiver to allow that child to get treatment, to correct a cleft palate or a clubbed foot or a pinky that was not there at birth, to give children who could not afford it in their homeland an opportunity for a future.

After September 11, that authority, discretionary authority for humanitarian waivers, was taken away from the port director. And so children in need of medical help, school children who would march with their counterparts in America on Christmas parades, visit the world famous San Diego Zoo, go to other cultural events with American counterparts, that was taken away. That has not helped the security of our Nation.

These children are not terrorists. These children are, in fact, engaging in diplomatic relationships that strengthen our two countries' relationships, strengthen our border and give us more security; and yet we have denied now that authority to the port director under the name of homeland security.

So all my amendment would do, and I am sorry we cannot talk about it today, would have said the port directors at the seven or eight ports of entry in my district, others in Texas, New Mexico and Arizona, would have the authority to grant these humanitarian waivers. The amendment would not make it easier for terrorists that come to the country. The amendment would not affect the number of legal or illegal immigrants living in our country. The amendment would not force immigration officials to offer waivers.

So I hope as we go through our appropriations and our authorization process for homeland security we take a rational approach, we do not go overboard in taking away discretionary authority from our border officials in the name of homeland security, which actually sets us back.

So I hope that this body will take that issue up in the future. I thank the body for giving me a few minutes to talk about what is going on at the border, and I hope that we can do things that really strengthen our security and not weaken it in the future.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

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

#### TITLE VI—ADDITIONAL APPROPRIATIONS

##### 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. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Kentucky reserves a point of order.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I thank the gentleman for reserving.

Mr. Chairman, I have told the House twice now that while I think this bill is an improvement over the budget presented by the President, in fact, it leaves this country seriously exposed to a whole variety of vulnerabilities from terrorist attacks.

This bill attempts to try to close some of those gaps. This amendment would provide \$1.4 billion more than the bill contains to address port transit and local first responder needs. It will provide a State formula grant increase of \$350 million, urban area grant increase of \$500 million, port security grant increase of \$100 million, fire grant increase of \$200 million, et cetera.

I know that is a lot of money, but the fact is the Hart-Rudman Commission estimated there is a \$90 billion need in order to protect our local communities, and so far we have only invested about \$15 billion. We cannot buy that kind of security on the cheap.

Secondly, this amendment would provide \$550 million more to address aviation security. It would improve the cargo security situation. Right now, there is a huge percentage of cargo that is shipped on passenger airplanes that is not inspected for explosives. It would provide \$333 million in additional funding for explosive detection systems at airports. It would increase funding for air marshals by \$50 million because right now we are some 8 percent below where the President said we should be.

It would provide \$750 million dollars more to address border security. We have 2,000 fewer people patrolling the northern border than the PATRIOT Act indicated that we ought to have.

We provide an additional \$86 million for the Container Security Initiative so that we do not have to rely on part-time, short-term employees to inspect those operations; and it provides a variety of other initiatives.

Now, I know that because the Committee on Rules chose not to allow this amendment to be offered that any Member of this House has an opportunity to raise a point of order which will prevent the House from even voting on this proposition. I would simply make one point in urging that Members not exercise that prerogative.

We are going to be providing next week \$25 billion in additional funding through the Defense bill to pay for the costs of our war in Iraq. That cost will eventually rise for a full year to over \$70 billion. It seems to me, if we are going to spend that much money on an emergency basis, then we can provide \$3 billion on a contingent emergency basis to try to solve some of these home security problems. By providing it on a contingency basis, what that means is that the President may eliminate any item he chooses. So if the President thinks it is unessential, he cannot spend the money and the money will not flow.

I think this is an eminently reasonable amendment. If it is true that the number one priority of the House and the number one priority of the President is to defend the homeland, if that is true, then we would not see this amendment stricken on a point of order.

The problem we have, and I know some people resent it when I say so, but the fact of the matter is that because the majority party has chosen to make tax cuts its number one priority, it means that we are squeezed on education; it means we are squeezed on health care; and, yes, it means that we are squeezed on homeland security. And we are prevented from meeting the security needs of the country by funding these activities.

With that, Mr. Chairman, I would urge a "yes" vote on the amendment in the event that the gentleman from Kentucky decides not to offer the point of order.

#### POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I really hate to disappoint the ranking member, but I do raise a point of order against the amendment under clause 2 of rule XXI.

The provision designates an amount as emergency spending for purposes of the concurrent resolution on the budget. As stated in the House Rules and Manual, such a designation is "fundamentally legislative in character."

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Do others wish to be heard on the point of order?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized.

Mr. OBEY. Mr. Chairman, while I reluctantly concede that under the rule adopted by the House this amendment

cannot be offered, so we cannot even get a vote on it, so I reluctantly concede the point of order, this is not in order under the rule, it ought to be.

The CHAIRMAN pro tempore. The gentleman concedes the point of order. Accordingly, the point of order is sustained. The amendment is not in order.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one issue that is partially dealt with in this bill, but not to the degree that I think it should be, is the whole question of the screening of cargo on passenger aircraft.

Last year, the House passed by an overwhelming margin a provision requiring all cargo on passenger planes to be screened. Then that did not survive conference. We continued to do some work in that area. A very limited amount of cargo is being screened. This bill says it should be doubled, but doubling a small number still leaves us very little cargo being screened. I think it is one of the most vulnerable parts of airline security. I think most of the people in this country have no sense that most of the cargo going into the passenger plane that they are flying is not screened. We clearly have the potential and the capability to do more. At times we have gone to heightened security alert in this country, and the screening has gone up substantially. It is an area where we should be moving aggressively and increasing the screening.

I offered a committee amendment that would have called for a fivefold increase in the amount of cargo to be screened. I thought it was doable. Unfortunately, that amendment was defeated.

So I just want to express my concern that this is one area which clearly has been a target of terrorists for a long time, the aviation industry, where we remain very, very vulnerable; and I just think it is urgent that the agency and the Congress pay much more attention to the question of cargo screening on passenger planes than we have done and an area where we need much more aggressive action in the future.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

I am following after two actions, the ranking member having spoken on the question of screening of cargo that is carried on passenger planes, and after the point of order that had been raised by the chairman of the subcommittee in regard to the full committee's ranking member point of order on the contingent reserve.

Mr. Chairman, I think that what has just happened in regards to Mr. OBEY's amendment is deeply regrettable. Mr. OBEY's amendment focused on port and transportation and local first responder needs. It would have addressed the very thing that the ranking member of the subcommittee just spoke about. It would have increased the funding for screening of cargo that is carried on passenger flights by \$117 million so that additional cargo could

be inspected at a time when it is pretty well understood that we are screening, at most, 10 percent at the present time of the cargo that is being carried by our passenger flights; and I think everybody has a good deal of concern about that. The Chairman's funding for that is increased already, but this funding would allow a more substantial increase than what is provided by the legislation.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have increased port security grants by \$100 million, and I remember in the debate here over the last day and a half that several Members have identified the issue of port security as opposed to cargo container port-type work as being an account that is most underfunded in this. Clearly, in this instance, we are funding less than 10 percent of the need that is in the area of port security. If it is not the most underfunded, it is certainly one of the top three most underfunded areas in this legislation.

The Coast Guard itself says that our unmet needs are something like \$6 billion to do the kind of port security that is necessary.

The gentleman from Wisconsin's (Mr. OBEY) amendment would have increased the funding for border agents and inspectors by \$214 million to plug the leaks in the northern border which have been shown where the attempts at entering into the United States have come, where we at the present time only have about two-thirds of the goal on the part of the Department of Homeland Security of what their goal is for those very borders.

□ 1345

The Obey amendment would have provided \$300 million to address bioterrorism preparedness, giving the Department of Homeland Security the power to utilize where it was needed on this contingency fund. Among other things, it would have provided additional money, about \$86 million, into the Container Security Initiative to provide for increased staff to cover those very ports which are still risky ports, which the chairman has indicated that we are covering, are largest and most risky, but we have others that are of considerable importance in getting at the screening of cargo at the source before it comes into our own ports from across the ocean.

So all of this funding would have been provided by a contingency reserve that was involved in the Obey amendment.

Mr. Chairman, we should not be putting a price on the security of American citizens as close cut as we are, and yet this leadership has done exactly that by ruling the Obey amendment out of order.

Mr. Chairman, we simply are not going to be able to provide adequate security on the cheap. I think that the amendment of the gentleman from Wisconsin (Mr. OBEY) would have given

us a good bit of reserve in this year when we are told there may be other attacks.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

I come to the floor today to speak to the problems that we are having in south Florida with regard to the allocation of the anti-terrorism aid that is supposed to flow into our part of the State of Florida. We are in one area with Palm Beach, Broward, Miami-Dade and Monroe County. The United States Department of Homeland Security put the City of Miami in charge of dividing this money earmarked to help metropolitan areas viewed as the highest risk for attack. Miami was designated a high-risk area because of its downtown, airport, seaport and large population, but it was required under the grant to coordinate how this money is spent over the entire area.

As a result, the City of Miami retained 90 percent of the money and has allowed approximately 10 percent to come to Broward, has given Monroe County nothing, and has given Palm Beach County nothing.

Let us take a look at this. Miami was designated because of the downtown area. Palm Beach, West Palm Beach is a large metropolitan area. So is Fort Lauderdale. Both Broward and Palm Beach County have airports, several airports, and both have seaports. And the Port Everglades, which is in Broward County, supplies all of the petroleum for south Florida, including the Miami airport, including all of the automobiles that run throughout Miami-Dade County and that part of the area, and is very vulnerable. And there is a seaport in Palm Beach County.

Speaking of large populations, the combined population of Broward and Palm Beach County is larger than Miami-Dade County. Something has to be done here.

The Department of Homeland Security has clearly, in my opinion, been betrayed by the City of Miami. So Palm Beach and Broward County are speaking with one voice and asking to separate themselves from Miami-Dade. This could not be done if we are limited to the status quo in the number of metropolitan areas that we presently have as one of the amendments that we will soon be voting on does provide for.

I would ask that we not strap ourselves into that single position. The only response that we get from there, and I am quoting from the Sun Sentinel newspaper, it says, "The politics involved here are directly detracting from putting these Federal dollars to use to reduce the risk, and that is a shame," and that comment was made by a fellow named Joe Fernandez, who is a Miami assistant fire chief in that area. This is not politics, this is an absolute outrage.

So again, Palm Beach County, Broward County, we want to separate ourselves from Miami and Miami-Dade County because of the outrageous man-

ner in which this money has been hoarded and held onto by the City of Miami.

AMENDMENT NO. 22 OFFERED BY MR. TURNER OF TEXAS

Mr. TURNER of Texas. Mr. Chairman, I offer an amendment.

The Chairman pro tempore (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TURNER of Texas:

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

SEC. \_\_\_\_\_. For additional expenses, not otherwise provided for, necessary to procure, install, and operate radiation portal monitoring technology to improve the security of our homeland due to the global war on terrorism, \$200,000,000 to remain available until expended: *Provided* that the entire amount is designated an emergency requirement pursuant to section 402(a) of the conference report to accompany S.Con.Res. 95 (108th Congress): *Provided further*, That the funds made 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 the funds made available under this heading shall be available for Customs and Border Protection salaries and expenses: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations fifteen 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.

#### POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I raise a point of order against the amendment under clause 2 of rule XXI. The provision designates an amount as emergency spending for purposes of the concurrent resolution on the budget. As stated in the House rules and manual, such a designation is fundamentally legislative in character.

Mr. Chairman, I would reserve raising the point of order and yield 2 minutes to the gentleman from Texas (Mr. TURNER) to explain.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman may reserve his point of order but not yield time. The gentleman from Texas is recognized for five minutes.

Mr. TURNER of Texas. Mr. Chairman, the amendment that I wanted to offer which is subject to a point of order would try to remedy a problem which I think we all understand exists, and that is we are continuing to be under the threat that some terrorist group will ship into the United States in a cargo container or by truck a nuclear device or a dirty bomb.

I want to commend the gentleman from Kentucky (Mr. ROGERS) and the committee for adding money to this item over and above what the President requested. The committee added \$50 million to help purchase radiation

portal monitors. But unfortunately, as the committee's own report states, the President's request includes 165 additional radiation portal monitors, and the committee is aware of the need for 1,000.

What I was attempting to do by this amendment is to increase the funding for radiation portal devices so this next fiscal year we could fully deploy radiation portal monitors in all of our ports to be sure that we are prepared to defend against the possibility of a terrorist group putting in a container some nuclear device or dirty bomb. I recognize it is a significant increase, but I believe in light of the urgency that it is the right thing to do rather than continue on what would probably be a 2- to 3-year program to fully deploy.

#### POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The Chair finds that this amendment includes an emergency designation under section 402 of Senate Concurrent Resolution 95 as made applicable to the House by section 2 of House Resolution 649. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MARKEY: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be equally divided between myself and the gentleman from Massachusetts (Mr. MARKEY).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for 20 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every time we fly we wait in security lines. We empty our pockets, we remove our shoes. Sleeping babies are taken out of their baby carriers. We have to walk through metal

detectors, we have to have our baggage inspected. Even grandma with her walker needs to be physically inspected at security checkpoints.

We do not complain much as Americans because we all know this is all aimed at improving the security of every single flying passenger in our country. But what people do not realize is that right next to our baggage, right underneath our now-screened shoes, cargo is placed which has not been screened at all.

For example, if a passenger were carrying onto a plane a package this size, it is going to get screened. It is going through the metal detector. It is going to be looked at. But if it is shipped as cargo and it is 16 ounces or less, it automatically does not get screened at all. They think this is not dangerous if it comes as cargo. But if a passenger carries it onto that very same plane, it is going to be checked. The only difference is if you are carrying it, you are on the plane with it. But if someone sends it as cargo, they are not on that plane.

What is dangerous about that? What is dangerous about it is that the Pan Am flight over Lockerbie was brought down by a package this size. That is what is wrong. We should not have passengers on American planes that have this kind of danger that al Qaeda could exploit that could wind up with a catastrophe which shocks the world.

Moreover, cargo which is this size, which is not too much bigger than a lot of people's traveling bags for the summer, this does not get screened except in very rare instances. It goes right into the belly of the plane, the same way that your baggage goes there but without the screening. So that is a loophole, unfortunately, that al Qaeda could exploit and we know that al Qaeda continues to say and our Bush administration security officials confirm that al Qaeda continues to put passenger aircraft at the very top of their terrorist target list.

So the amendment which we are making here today, the gentleman from Connecticut (Mr. SHAYS) and myself, is the same amendment which we made last year to this bill which passed on the House floor 278-146. The reason it passed is obvious, it makes no sense to put all of the families in our country, especially as vacation time is arriving, on planes that have all of these packages that are unscreened even as they, the American families, have been put through the toughest possible screening possible.

So our amendment calls for the screening of this cargo, that it should not go onto the planes unless it is screened. Why should bags in the bay of a passenger plane be screened, that is the bags of the passengers, but the other half not be screened even though the people who put those packages on are not even flying on the plane? This is something that in our opinion makes no sense whatsoever.

We continue to see data on the number of planes. It turns out that al

Qaeda was targeting 10 planes for hijacking. We know they are obsessed with them and we know that we are obsessed with the planes that are the passenger planes. Let us not allow our people in our country, our passengers, and yes, yes, we are talking about the American family here. That is what we are talking about. We are talking about the people who are in the galleries today who flew here to Washington. It was on their planes, and as they fly out of Washington today, as they fly anywhere in America today, it is the baggage on their planes that had cargo on it. These people deserve protection.

That is the simple heart of our argument; that it is just plain wrong to put Americans on planes with unscreened cargo, especially since the technology is already there. The vast majority of cargo could be screened with the existing technology that already screens our bags. It is the same size as our bags or smaller. How can they escape being screened?

Mr. Chairman, I ask for Members' support. The gentleman from Connecticut (Mr. SHAYS) and I will make the argument over the next 30 minutes or so and we hope that we once again send a strong message that we want to have all of this baggage screened.

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

□ 1400

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we agree that 100 percent of all cargo on passenger planes should be screened. We are together on the goal. It is just that we do not have the capability now. We cannot do it this year. It is going to take a little bit longer. The machinery does not exist, contrary to what the gentleman from Massachusetts says. That big box is too big for the machines that we check our bags through that x-rays packages. The machinery does not exist at this time. We have effective means in place at the moment to reduce the risk to acceptable levels without shutting down air cargo and bankrupting airlines, as this amendment would surely do.

We are aggressively tackling this problem of cargo on passenger planes. This bill that we have before you requires at a minimum that the TSA double the percentage of air cargo screened, actually screened. We appropriate \$118.5 million for air cargo security, which is \$33.5 million above what we put in the bill last year for this and as requested by the President, including \$75 million for developing screening technologies, the R&D to develop the machines that would accommodate palletized cargo on airlines and the larger packages; \$10.5 million to hire an additional 100 air cargo inspectors; \$20 million to make further enhancements to the known-shipper program and implement a new cargo rule; and \$3 million to expand the canine teams deployed to inspect air cargo.

We are getting there, and we are a long way there. We cannot get there 100 percent at the moment. However, with this funding, TSA will continue an aggressive R&D program to examine technologies, to improve the capability to screen the high-risk cargo, including new technologies for screening palletized cargo and containerized cargo for explosives. A number of vendors have been tentatively selected for laboratory evaluation of these kinds of products. TSA is enhancing the known-shipper program.

What is the known-shipper program? It means that you cannot ship cargo on a passenger plane unless you have been certified by the Federal Government; and they look at you very, very carefully. You have got to be a certified known shipper before your cargo can be placed on a passenger plane. If you are not a known shipper, you have got to put it on a truck or on an all-cargo plane or what have you, but not a passenger plane. We do not allow it. So you have got to be a known shipper, and you have got to be certified by the Federal Government before you can become a known shipper. Known shippers go through a very rigorous and thorough process to obtain their status: verification of their legitimacy by way of a comprehensive database, random inspections, recertifications on a yearly basis.

This bill includes language requiring at a minimum to double the percentage of air cargo that is currently screened. That is an incremental approach. We are headed toward 100 percent when we can get there, but we simply cannot get there at this minute.

Screening technologies to inspect air cargo are not ready yet, in spite of what anyone says. The latest information that we have is that there is no machine at this moment in time able to see explosives. You can x-ray a package looking for drugs or contraband, but you cannot see explosives with that kind of a machine. That is the distinction the gentleman from Massachusetts fails to see. We are looking for explosives in passenger planes, not contraband; and the x-ray machines, of course, are designed for contraband.

If this amendment passes and airlines are not allowed to accept air cargo, it means that they will go bankrupt. That is it. You shut off air cargo; you close down the airlines. I am not going to vote for that. The TSA tells me that it would take 9,000 screeners at a cost of over \$700 million next year to inspect every cargo at the top 135 airports that handle about 95 percent of all cargo on passenger craft.

The economy of this country relies on just-in-time delivery by airplanes, whether it is fresh produce and meats for grocery stores, mechanical parts for manufacturers, medical supplies for hospitals and clinics and the like. Cargo transported on passenger aircraft typically arrives about 30 minutes before flight time. If you shut off

air cargo, you are shutting off just-in-time delivery in this very sensitive area in this country in manufacturing.

In this bill, Mr. Chairman, we are going all out to develop the technology to screen all cargo. We have in place the known-shipper program, canine searches, and other practices; and we will double the percentage of personal inspections in this bill. I urge Members to vote "no" on Markey.

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

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), the cosponsor of my amendment.

Mr. SHAYS. I thank the gentleman for yielding time.

Mr. Chairman, I do not want to take a lot of time in this first pass but just to say, when I hear the presentation of both the gentleman from Massachusetts and our very distinguished chairman, it scares the heck out of me, because the bottom line is we are being told, and it is true, you can get explosives on a passenger airplane; and then we are being told we cannot do anything about it because it is impractical, we do not have the equipment, and so on. I think the story is somewhere in between.

The bottom line is we have people on passenger airplanes who believe that we check the baggage that is in the cargo of those airplanes. I think maybe at a minimum we should at least give them a little notice when they step on that airplane because it is the truth, that would say that when you go on this airplane, all the baggage brought on by passengers is screened, but the cargo that is on this airplane is not screened for explosives.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the simple fact is if this amendment passes, there will not be any planes for them to get on in the first place.

Mr. SHAYS. I do not believe that. With all due respect, I do not believe it. I do not believe that the passenger aircraft are dependent on cargo in order to be able to take passengers. I just do not buy it. I at least think, though, that the American people deserve the truth, whatever the truth is. This is a debate we need to have, and frankly it needs to be a debate that is more than 40 minutes. The American people are entitled to the truth, whatever that is.

When we started out talking about the baggage on passenger aircraft, the gentleman from Washington (Mr. INSLEE) came in with an amendment in 2002, and he asked me to cosponsor it. He said, We do not check baggage. We check some, but we do not check all of it. I said, You have got to be kidding me. He said, We do not. And we have no time line.

So we offered an amendment that said by the end of 2004 we would check,

and everyone opposed the amendment because they said we could not check by the end of 2004. They said, we do not have the equipment, we do not have the money, it is too costly and the passenger aircraft would just simply not be able to fly. That is what we were told. That is what the record said.

Our amendment passed, and an interesting thing happened. When it came back from the conference committee, instead of the end of 2004 that we would check for baggage, it said the end of 2003. I went up to one of the members and said, How come if we could not do it by the end of 2004, we could do it by the end of 2003? What I was told was, We did not want to put in writing that we could not check until the end of 2004 and we put the end of 2003 and we did not quite make that deadline, we met it sometime a little later in 2004, but we met it before the end of 2004. We did it because it mattered and the American people would not fly if they did not think the baggage was checked.

But what we at least need to say, I will say it as often as I can, 23 percent of what is in the belly of an aircraft is cargo. It for the most part is unchecked. Saying that we check because we have a known shipper is simply to say that we know who shipped it. It does not mean that we check the baggage. It amazes me that somehow we say that that is a protective system.

So for me, it is quite simple. We have got to give them a target. We have got to give them a deadline. We have got to be willing to spend the money. If six planes are blown out of the sky a week from now or 2 weeks from now, are all of us supposed to go back into our district and say, we could not afford to do it? I cannot do that. I cannot look my constituents in the eye and say, we could not afford to do it.

When we vote, I want every Member to know what we are saying. If you vote for the Markey amendment, you are voting to say we have got to have this stuff checked. And when it comes back from the conference committee, maybe we will come back with a deadline or something that you feel is more realistic, but we have got to have something better than what we have now. I feel strongly about that. I feel as strongly about that as I have ever felt about anything. I have had 50 hearings on terrorist issues on my subcommittee, and this of anything that we have looked at scares me the most.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment. This amendment is simply unnecessary and unworkable. Some of our colleagues have said, and I think wrongly believe, that air cargo is a hole in our aviation security system and that extreme measures must be taken immediately. I am sensitive to those misconceptions,

but believe that serious efforts are being made by the Transportation Security Administration and the aviation industry; the airline industry are taking appropriate steps to address cargo security needs. TSA is currently developing new and more comprehensive standards for air cargo security which should be finalized soon, and TSA has also issued air cargo security directives recently.

Let me just respond, also, to a couple of things that have been said here. First, people are speaking without information. We heard the gentleman from Massachusetts say that we are putting our families through the utmost possible screening. That is not true. Some of the Members should take time to see the classified results of what we are putting them through and the holes in the current system. Putting explosives on a plane through cargo is a small risk at this point. Having a passenger walk through 1950 metal detectors is a great risk because those metal detectors do not detect explosives. That is how a plane will be taken down if a plane is taken down. This amendment actually can do a great deal of damage. In contrast to what the gentleman from Connecticut said, in the Congress we put a provision in that said 2003 instead of 2004. Those bags still are not being screened. We have only done 14 airports inline. That is because the Congress might say something, but they are not funding this.

Look at R&D. I put \$50 million in the original TSA bill to fund research and development. One of our friends from the State of Washington in the other body took \$30 million of the \$50 million for R&D the first year, and that is why we do not have the technology to determine what equipment can be used to effectively detect explosives. And then again we can stand up here and ask the cow to jump over the Moon; but unless you provide the money and the technology and the means to do that, it is not going to happen.

The next year you took the money and you did not fund the money, and we had \$75 million for R&D. You all waited 5 months, and the people who are talking now are the people who delayed the appropriations. So TSA took \$63 million of \$75 million out of their funds for research and development and had to use it for personnel. So the problem is here, and the problem is Congress making these kinds of edicts that do more damage.

I have summed up the problem. I have identified the problem. The problem is here, people talking about things, telling folks that we are putting our families at risk. We must address this on a risk basis, and we must properly fund R&D.

□ 1415

We do not have the technology to do this now. We do not have the technology to address our greatest risk, which is people strapping explosives to

themselves and walking through a 1950 metal detector that does not detect explosives.

So we need to address the risks. We need to do this on a logical basis. Not something that grabs headlines but something that is effective, that solves the problem at hand, that truly protects the American public from a terrorist act.

So I urge the Members to defeat this amendment. It could pass 100 times, and it does not mean anything because we are not going to be able to do it. We have \$150 million this year for R&D, and that should be spent appropriately, not in haste.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Markey-Shays-Conyers-Turner amendment. Most importantly, I rise in support of increased security for air travelers across this country.

Screening air cargo and passenger planes is a critical element in protecting the public, and there is absolutely no excuse for allowing this glaring loophole to persist. With the summer travel season upon us and air travel nearing pre-9/11 levels, this issue gains urgency every single day.

Every day and at every airport, unscreened cargo is loaded onto passenger planes, placing the traveling public and airline employees and airport workers at great risk.

We have spent billions of dollars and asked the American people to endure long waits and countless inconveniences in order to ensure safe air travel. The failure to inspect cargo and passenger planes flies in the very face of these security investments and threatens to make all of our efforts for naught. But it does not have to be this way.

The technology exists to close this security gap, but apparently the will does not, and I cannot for the life of me understand why. It is long past time to address this issue and stop placing millions of travelers at risk.

Mr. Chairman, I urge my colleagues to give the Markey-Shays-Conyers-Turner amendment the resounding victory that it deserves and give the American people the security that we have promised.

In closing, Mr. Chairman, I want to commend the foresight and the vision and the leadership of Mr. MARKEY, Mr. SHAYS, and others on this issue. It is long overdue and we need to heed the call. I am proud to be a partner with them in this effort, and let us get it done.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Ms. GRANGER), a very important member of our subcommittee.

Ms. GRANGER. Mr. Chairman, I rise to oppose this amendment.

The Subcommittee on Homeland Security of the Committee on Appropriations has written a sound bill that addresses the security of air cargo shipping in a common sense way and is being honest and realistic with the American people. This amendment threatens that approach.

Right now many companies, like Dell and Texas Instruments, rely on airlines to ship their goods in what is called a just and timely fashion. Their high tech products have to get to customers in a very short time frame. They rely on airlines, not cargo planes, to take the goods to the customer quickly. Airlines only take passengers from known shippers who are registered and certified like FedEx and UPS. Airlines simply do not accept packages from anyone who is not a proven, known shipper.

This "known shipper program" is a good system, and it is getting better every day with shared databases and other upgrades. This is our first backstop against suspicious shipments. Our second backstop is the physical screening that is currently being done on any shipment that raises suspicion.

This bill calls for an increase in the shipments that are physically screened, specifically a doubling of the current screening. This is both reasonable and also attainable.

TSA has said that going to immediate, 100 percent screening right now at the top 135 airports requires about 9,000 screeners and cost over \$700 million in the first year alone. And the cargo would still face a huge bottleneck because we do not have efficient screening technologies.

New technologies for screening large amounts of cargo are on the horizon, and this bill supports investment research for that technology. TSA says it will have to shut down cargo shipments altogether on passenger planes if we mandate 100 percent, and there, poof, we will have ruined a \$3 billion industry and threatened 27,000 jobs.

The fact is that we all support 100 percent screening and we want to get there as quickly as possible and we want safety for all of our passengers. But we want the right technology to do this in the best possible way.

Let us face it. This talk of immediate physical screening does not come free, but should we not work for a more dependable, more durable technology for American travelers and air shippers? The current bill that we are debating calls for a doubling of the amount of our air cargo that is currently screened and inspected. That is reasonable, that is attainable, that is being honest with the American people, and I support this approach.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLIVER).

Mr. OLIVER. Mr. Chairman, I rise in strong support of the Markey-Shays amendment. We hear of new homeland security threats almost daily. The President and the Attorney General

have both warned that terrorists are likely to attack the homeland before the New Year.

Terrorist networks continue to put commercial airplanes very high on their list of targets. And while great progress has been made in aviation security, we are still lagging behind in screening cargo carried on passenger flights. Currently no more than 10 percent of cargo on passenger flights is screened or inspected for explosives or other dangerous materials.

This is a glaring loophole in our aviation security, and the legislation before us today provides too small an increase in screened cargo that is carried on such passenger flights. We need to reach full screening of cargo faster, and this amendment moves us in that direction.

I urge a "yes" vote on the Markey-Shays amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in reluctant opposition to the Markey amendment. The screening he wants to impose is not possible at this time, and technology is not developed to screen some of the large pallets. The airlines inspect all packages now, but the current screening technologies or pallets involve x-ray technology and not the explosives detection. And I have watched airlines load those huge pallets into the cargo holds of the planes, and they are much bigger than what the gentleman from Massachusetts (Mr. MARKEY) talked about.

This may be the size of our passenger, but the ones I have watched are the size of the Speaker's desk, and we just do not have the ability to do that.

The fiscal year 2005 Homeland Security Appropriations Act requires 20 percent random cargo inspection for the first time. It is now set at 10 percent; so we are doubling it. But, again, with the research and development funding in here, we will be able to get to where we can screen those large ones. But we are also doing the "known shipper." So much cargo is shipped through known shippers, whether UPS, FedEx, DHL, name it. And they are the ones that are doing it, not unlike we are beginning to do with passengers where they have access for passengers that are known passengers and they go to the head of the line or a separate line. We are doing the same thing with cargo. So there is reasonableness to what we are doing.

The bill also provides 100 new cargo inspectors and \$50 million in cargo security R&D funding in addition to the \$55 million provided last year. So we are trying to get up to the technology level so we can do it. And I just do not want to make sure we throw the baby out with the bathwater that we require standards not only of the TSA but also of our airlines that they just physically cannot do.

I also represent a seaport, and in all honesty, we have a hard time inspecting 5 percent of containers coming into



our ports. I would find it amazing if we could even get the 10 percent of our containers that come in much less the 20 percent for air cargo.

I appreciate the gentleman from Massachusetts' (Mr. MARKEY) dedication and I am glad he keeps pushing us because without that maybe we would not go further. But I know there is an effort by a lot of Members to make sure we do go further every year.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT) for a colloquy.

Mr. HOLT. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Massachusetts (Mr. MARKEY).

This is much needed legislation, and I applaud the gentleman from Massachusetts and the gentleman from Connecticut for putting it forward. It really makes little sense for airport security to screen 100 percent of the carry-on baggage to the point of removing nail clippers and yet not screen all the cargo and baggage that is loaded into the belly of a plane. This amendment is really much needed and should be passed with strong bipartisan support, should also be implemented with strong financial support from the Federal Government.

My question for the gentleman from Massachusetts is, does he believe that down the road we can ensure that cargo loaded onto cargo planes will also be screened?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, it is my intention, the gentleman from Connecticut's (Mr. SHAYS) intention, that once we close the loophole on passenger planes that allow for cargo to go on unscreened, then we will move on to the next step, which is the cargo that goes on cargo planes. But I think the first job is to make sure that passengers are protected and then in the next step, as the gentleman said, we will move on to do the same for cargo planes.

Mr. HOLT. Mr. Chairman, that will be safer for the public and the workers of the airline industry, and I thank the gentleman for his answer.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the chairman of the subcommittee for yielding time to me.

I was in my office listening to this debate and came rushing over because I heard a couple of things during the debate that disturbed me. One was from the gentleman from Connecticut, who, in response to an observation by the chairman, said he does not believe that the technology does not exist today to do what their amendment seeks to do. I believe that and I believe that to be true.

The other observation was there was reference made to the folks in the gal-

lery who came here, and the observation was they probably do not know that the cargo that goes into the belly of their passenger plane is not screened. I would venture to say that most people that get on passenger planes do not even know that they are carrying cargo. Most people that get on passenger planes, however, also do not know that it is the cost of the cargo, the money that the airlines make relative to the cargo shipments, that enable them not only to have cheaper fares but also enable them to fly to small areas.

Just citing one airline that is headquartered in Cleveland, Ohio, an area that is near and dear to my heart, if this amendment were to pass, I have been advised 67 jobs would be lost at that one airport by that one airline. For that one airline, \$325 million in revenue would have to be made up in higher and additional fares. And service to smaller communities, again the folks in the gallery, if they live in New York or Chicago or Los Angeles, they can get home, but if they live in some of the smaller hubs, they are not getting home because there will be no service to those areas because their fares are subsidized by the revenues made up as a result of cargo shipments.

I have to say, Mr. Chairman, that, again, the chairman has done a good job in this bill. He has doubled the amount of belly cargo that is being inspected. From where we are today, 100 new inspectors are being added, research and development so that pilot programs going on down in Houston and other areas can continue to go. This is a well-intended amendment. I think we all want to get to 100 percent, but it is a wrong-headed amendment because the technology that they seek to impose does not exist today.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, just to correct the record also, I would like the gentleman and the other Members to know, it was said in the beginning of this debate, also, that Pan Am 103 was brought down as a result of this situation, explosives in cargo. That is not true. It was explosives in luggage.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I have been listening to this debate trying to understand what kind of contribution I can make and what kind of things we are listening to, and I feel that three of the most respected Members of Congress, I respect for their knowledge on this issue, are saying things that, if true, are more shocking than what I thought was the case. I mean we have a Member of Congress who basically has said that it is foolish to deal with cargo admittedly for the money and the technology, which are valid reasons that I understand, but because we do not even really check the baggage on

the belly of aircraft that we say we do but we do not. And I do not know how to process that because I tell my constituents that we are doing that, and I am not aware of any request on this floor by this chairman or anyone else who has said we need this amount of money to fulfill that act. If that is known by some in some committee, then let us debate it on the floor.

□ 1430

Because it is my understanding that we checked the baggage on the belly of an aircraft for explosives, and if we do not, I think we should say where we do not and how long it is going to take and why we are not conforming to the law; and then all of us need to deal with that. That is fair, but to use that as an argument for then not checking the cargo that goes on the belly of an aircraft on a passenger plane to me is just like a weird argument.

Now, if we cannot check big packages, then let us check small packages. If we cannot do it this year, then let us have in the law that it will be done by this time. Let us not just be so casual about it that we just say, well, we went from 5 percent to 10 percent, and we need more time to do the technology.

So what I was thinking as I was sitting here is that what I would like to do if this amendment does not pass or if it passes and gets lost in conference, I want to come in with an amendment, and it is going to be truth to the passenger, and it is going to spell out to the passenger in plain, simple language what is the risk when they fly.

In other words, I think if a plane has not been checked for explosives in the belly of an aircraft that is baggage, then tell them; and if that has been but we have cargo and 20 percent of this cargo or 30 percent of what is in the belly of the aircraft is cargo and has not been checked, then tell them. I know what I know. I will not fly that aircraft, and then I will like to know, and maybe others will, maybe we will just have to suck it up and be brave, but I think it is not safe. And I am living with the fact that someone in my district found out in the middle of the day that maybe her child was on Pan Am 103, and I was at her home at 11:30 at night when it was confirmed and this was her best friend, her daughter.

Mr. ROGERS of Kentucky. Let me inquire of the gentleman from Massachusetts (Mr. MARKEY), is the gentleman the last speaker?

Mr. MARKEY. I will be the last remaining speaker, yes, sir.

Mr. ROGERS of Kentucky. Mr. Chairman, I will yield myself the balance of our time.

Mr. Chairman, our gentleman friend from Connecticut (Mr. SHAYS) I thought needs an answer to the question he raised. What are we doing about cargo on passenger planes? What are we doing about it, and where are we?

Well, at the moment we physically inspect a certain percent of all cargo

on passenger planes. That percentage is a law enforcement-sensitive number, and we cannot talk about it publicly, but it is a percentage that we actually physically inspect.

The rest cannot be put on a plane unless it has been certified by the government to come from somebody we know, a FedEx or UPS or some other known shipper, a Toyota, GM, where we have gone to that shipper and put them through a rigorous examination so that we know whether or not they are reliable and their chain of supply, their security of supply has been checked.

We are developing machinery, however, to be able to take the place of all of that. The machinery is just simply not there yet. It is being developed, and in the bill we appropriate \$118.5 million for air cargo security. It is an enormous figure. That is \$33.5 million more than we spent this year or that the President requested. We topped everybody in that respect. And \$75 million of that is going to develop new technologies.

One of these days we will have machines that will do for cargo on passenger planes what we do for baggage on passenger planes. We simply do not have it yet. We are working on it and working on it very quickly.

But in this bill in the meantime we say, okay, we want to double the number or the percentage of air cargo that is physically checked, double it this year. We provide additional cargo inspectors for that purpose. We provide canine teams to help with the inspection of air cargo, and we provide \$20 million more to make further enhancements to the known-shipper program and implement a new cargo rule.

Now, if this amendment passes, I am sad to say I do not think the airlines will make it. If we prohibit all passenger cargo, as the gentleman from Florida (Chairman MICA) has said, we are taking away \$3.5 billion in income to the airlines that are barely hanging on now. 27,000 jobs are involved here. We do away with the capability of the Nation's economy to have just-in-time delivery, upon which the country, in fact the world, runs.

So I urge Members to be careful if we want to vote for this amendment. That is the safe thing to do, of course; but the responsible thing is to vote "no." We are doing all we physically can do at the moment, and it will not help any if we shut down the airlines.

Mr. Chairman, I urge a "no" vote on the Markey amendment.

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

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me begin by saying that Pan Am Flight 103 over Lockerbie did go down, but it went down because a package this size was not screened in the baggage. We now mandate that all baggage be screened. We closed that loophole, but the reason the Pan Am 103 families endorse the Markey-Shays amendment and have sent a letter to

Congress endorsing it is because they know that this same package in the cargo is not screened on passenger planes. The Pan Am 103 families endorse this amendment.

Secondly, the technology already exists. The Israelis screen cargo. The United Kingdom screens cargo. The Netherlands screens cargo. Australia, Singapore, Spain, Hong Kong, Italy, they already screen the cargo which goes onto passenger planes; and there are American companies lined up to do the job. American Science and Engineering, Incorporated, L3 Security and Detection Systems, Raytheon Cargo Screen, they all say they are ready to go to deploy the technology today. It is not a question of technology. It is a question of money. The same argument was made right after September 11: we do not have enough money to screen the bags of every passenger going on planes.

Well, we do not have enough money not to do it, because the next plane that goes down is going to cripple the American economy. That is the price of leaving a loophole that could lead to an explosion on a plane. That is the price our country is going to pay, and it is going to look like one cent on a hundred dollars if it happens.

We cannot afford to allow this kind of loophole to exist. This known-shipper program, it is not even certified by the Federal Government. The Federal Government lets the airlines decide who these shippers are, who put these packages on without even screening. It is not even a Federal Government program; it is an airline program. That is no security for the American flying public.

These people who fly into Washington as tourists, people going on vacations, they should not have to be putting their families on planes with cargo this size or this size, that has not been screened, even as they have been forced to take their nail clippers out and have them confiscated. It is wrong.

The Markey-Shays amendment should pass. If you want to see security on the airlines of our country, if you want to avoid another airline disaster in our country that will cause an economic catastrophe, vote "aye" on the Markey-Shays amendment.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Markey/Shays/Conyers/Turner amendment. More importantly, I rise in support of increased security for air travelers across the country. Screening air cargo on passenger planes is a critical element in protecting the public, and there is no excuse for allowing this glaring loophole to persist.

With the summer travel season upon us and air travel nearing pre-9/11 levels, this issue gains urgency by the day. Every day, and at every airport, unscreened cargo is loaded on to a passenger planes, placing the traveling public, airline employees and airport workers at risk.

We have spent billions of dollars and asked Americans to endure long waits and countless inconveniences in order to ensure safe air travel. The failure to inspect cargo on pas-

senger planes flies in the face of these security investments and threatens to make all our efforts for naught.

But it doesn't have to be this way. The technology exists to close this security gap, but the will apparently does not . . . and I can't for the life of me understand why. It is long past time to address this issue and stop placing millions of travelers at risk.

I urge my colleagues to give the Markey/Shays/Conyers/Turner amendment the resounding victory it deserves, and give the American people the security we have promised.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in opposition to this amendment. Let me be clear. I do not believe any law maker is against the need to make our homeland safe. However, I have always been and will continue to be a strong advocate for improving the security of our homeland especially at our nation's airports, but I do not believe in creating additional unfunded federal mandates.

I represent the Baltimore-Washington International Airport and I am very familiar with these issues. I believe the security of aviation is a critical component in protecting our homeland and air cargo is a significant concern. I fully support the need to protect our airports, the people who fly in and out of them, the people who work in the airline industry and the goods and services that are transported by planes. Aviation security is key to our way of life, our business and leisure travelers, and our nation's commerce. On that point, I think we can all agree.

We can also agree that air cargo security deserves an equal amount of attention and problem solving to make it a safe way of doing business. We need to ensure that air cargo is safe so business can proceed. The air cargo industry and airports have worked hard since September 11, 2001 to recognize potential risks and threats, and to make air cargo more secure. Have we done enough? Probably not. Do we still need to do more? Absolutely. That is not the debate before us today.

The next question becomes what is the best solution. On this, I do not believe this amendment is the right way to improve air cargo. I commend my colleagues for their hard work to correct risks associated with air cargo, but I am concerned about the creation of further unfunded federal mandates on an industry so vital to the American economy. There are still so many questions about the feasibility and cost of available technology. Each airport has different challenges and there is no one-size-fits-all solution to any homeland security issue, including air cargo.

This amendment would effectively double the amount of air cargo to be screened and inspected without providing any sort of financial relief for equipment, technology, infrastructure or personnel to do so. The aviation industry did not create the problems we face in homeland security and I do not believe they should shoulder the entire burden of correcting it through further unfunded mandates. Throughout my entire political career I have stressed the need for partnerships to solve problems and the federal government must partner with industry to address the needs of homeland security. The Constitution tasks the federal government with protecting Americans and we cannot fulfill that responsibility by simply creating new mandates for the aviation industry

to comply with. We need to work together in commitment and resources.

The 2005 Department of Homeland Security Appropriations bill does recognize and address the challenge of air cargo security risks. It substantially increases research and development funding for new technology that will ultimately make comprehensive cargo screening feasible. It is an important and fiscally responsible step in the right direction to tackle an enormously complex issue. All Americans want the safest environment we can create, but we must do it in a logical way that does not unduly burden the aviation industry or impede national commerce.

I believe this amendment is placing the cart before the horse and we should let the R&D money provided for in this bill do its work. I will continually fight to keep the Maryland 2nd Congressional District and this nation more secure. I believe we need to do more with airport security but I do not believe this solution is the right one.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

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

SEC. \_\_\_\_ Appropriations made in this Act are hereby reduced in the amount of \$895,476,000.

Mr. KING of Iowa. Mr. Chairman, first of all I want to congratulate the chairman of the committee and all of the committee members for their hard work on this bill and the many improvements that have been put in for homeland security. We are getting better at this. We are just not as good at it as we need to be.

My amendment reduces the appropriation by \$895,476,000. That is the President's number, the President's request.

I point out that the President has been our lead warrior on the war on terror. He came out and identified our enemy the first week after September 11, he set forward a path on how to go about addressing al Qaeda and the terrorists around the world, he sent troops into Afghanistan, he sent troops into Iraq. We have over 50 million people that are free today. America is a safer place.

Our question that is before this Congress today is the question of do you spend your resources on the tip of the spear, or do you spend your resources back here at home? Do you spend your

resources on ambulances, fire trucks, metal detectors and do you spend them also on training facilities for emergency responders? Or do you put that money in a proactive way and preempt the terrorists attacks that are bound to come. To find that balance is what we are seeking to do.

The waste that is in the budget, I can identify a significant amount of dollars there are tied up in the bureaucratic regions of the Department. It is hard to get to this through a Waste Watchers program. It is hard to identify it and say we are going to ding your budget by \$5 billion or \$10 billion or \$86 million or \$895 million, as this amendment does. But the way you do that is you reduce the spending and the bureaucrats have to go and find that.

So the question is, are we going to clean up after the disaster, or are we going to spend the money preventing the disaster? Is it going to be the clean up crew that will be the tip of the spear?

We have seen this budget grow from 2003 to 2004 by 30 percent. Now we see it grow again from 2004 to 2005 by 9.4 percent.

This is the President's budget. The President has been leading us in the war on terror, and I believe we can have confidence that he has the ability to set this budget and provide adequate resources.

Mr. Chairman, having made my statement, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT NO. 13 OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SHERMAN:

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

SEC. \_\_\_\_ None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran.

Mr. CAMP. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Michigan reserves a point of order against the amendment.

The gentleman from California is recognized for 5 minutes.

Mr. SHERMAN. Mr. Chairman, this amendment would prohibit Customs and APHS from expending any funds to process any import from the Islamic Republic of Iran into the United States. The amendment would effectively reverse a decision made in the year 2000 by a Clinton administration order, which partially lifted what was then our total embargo on Iranian imports.

This has created a circumstance where we import from the Islamic Re-

public of Iran roughly \$150 million of goods. We do not import any oil or other petroleum or energy products from Iran. That is prohibited by existing law. Instead, we import caviar and carpets. So the question before us now is whether we wish to put economic and symbolic pressure on the government in Tehran.

Well, let us examine that government's behavior. It is developing nuclear weapons. It is only a couple of years away, perhaps, from having an atomic bomb. Its cooperation with the IAEA was found inadequate by the IAEA Board. Even its so-called reformist leaders have decided to support this nuclear program.

Why? Because they know that they can move forward with their nuclear weapons program without paying any economic cost, and they are able to go in a complex political situation to the people of Iran and say, Don't worry that we are developing nuclear weapons. We will suffer no economic cost.

□ 1445

We will be part of the world community, and they are able to point to the fact that even the United States imports from Iran as proof that they pay no economic price for their behavior.

In addition, the government in Iran has been identified by the State Department in its Patterns of Global Terrorism Report as the number one state sponsor of terror. Iranian agents are working to kill our people in Iraq. Iran is harboring al Qaeda senior officials, including one of bin Laden's sons. Iranian agents, along with al Qaeda, working in tandem, are responsible for the 1996 Khobar Towers bombings that killed 19 Americans.

What more does the government of Iran have to do? Cooperate with al Qaeda, shelter al Qaeda, kill Americans. It is still not enough for us to stop importing their goods. And what are these goods that are so critical to us? Caviar and carpets.

It is time for us to use the levers we have to put pressure on this regime. It is time to go to the Iranian people that are growing weary of rule by the mullahs and say they are costing you something: your ability to do business with the world is being impaired.

These foreign policy adventures are a domestic issue to the people of Iran because they are foreclosing trade. Only when we cut off imports from Iran will we then be able to turn to our European and Japanese friends and urge them to do the same, at least until the government in Iran changes its behavior in these two critical areas: the development of atomic weapons and terrorism.

Keep in mind that terrorism will continue if we do nothing. Keep in mind, those atomic weapons can be smuggled into our country; they are no larger than a person. And then the government in Iran can make that phone call and tell us that they have an atomic bomb in this apartment building or that one.

Let us do something. This is the only time this year that this Congress will be able to stand and say, we want to put some pressure on the government of Iran. This is the only policy available to the United States short of invasion, which is not in the cards, to say that we want to do what can be done to convince the people and government of Iran that they pay a cost for supporting terrorism and that they pay a cost for their failure to cooperate with the IAEA.

So make your decision: should we continue to have business as usual with a government that is killing us and that is building the devices to kill us by the millions?

#### POINT OF ORDER

Mr. CAMP. Mr. Chairman, I raise a point of order against the Sherman amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman will state his point of order.

Mr. CAMP. I raise a point of order against the Sherman amendment to this bill, H.R. 4567, on the grounds that this amendment violates clause 5(a)(2) of House Rule XXI because it is an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff. Specifically, this amendment would prohibit the use of funds provided by the act for processing the importation of any articles from Iran. Processing imports is part of administering a tariff. Therefore, this amendment would limit the funds in a general appropriations bill for the administration of a tax or tariff in violation of clause 5(a)(2) of rule XXI.

The CHAIRMAN pro tempore. Are there any other Members wanting to be heard on the point of order?

If not, the Chair will rule.

The gentleman from Michigan raises a point of order against the amendment offered by the gentleman from California on the grounds that it violates clause 5(a) of rule XXI.

In prior Congresses, clause 5(a) of rule XXI provided a point of order against carrying a tax or tariff measure on a bill not reported by a committee having such jurisdiction. At the beginning of the 108th Congress, clause 5(a) was amended to particularize its application to an amendment in the form of a limitation on funds in a general appropriation bill for the administration of a tax or tariff.

The Chair is of the opinion that the change in clause 5(a) affects today's proceedings in one significant way:

The new version of clause 5(a) enables a point of order against limitation amendments addressing the administration of a tariff whether or not the maker of the point of order can demonstrate a necessary and inevitable change in tariff statuses or liabilities or in revenue collection. More on that matter can be found in section 1066 of the House Rules and Manual.

In the present case, the chief impetus for the processing of imports from Iran

is tariff law. The Chair therefore holds that the limitation on funds to process imports from Iran is necessarily a limitation on funds for the administration of a tax or tariff within the meaning of clause 5(a) of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill insert the following section:

#### SEC. \_\_\_\_ PROHIBITION AGAINST USE OF FUNDS TO ENTER INTO STATEWIDE CONTRACTS FOR SECURITY GUARD SERVICES.

None of the funds in this Act may be used by the Federal Protective Service to replace any existing contract for security guard services with statewide contracts for security guard services.

Ms. VELÁZQUEZ. Mr. Chairman, small businesses need opportunities. Repeatedly, small businesses have demonstrated that they can provide the government a superior product at an affordable cost to taxpayers.

Unfortunately, small businesses are seeing their opportunities dwindle as agencies place expediency over job creation in our local communities and what is best for the American taxpayers. The cost of this is the creation of mega contracts that are so big that only big businesses in corporate America can compete. What they are telling American small businesses is that the \$285 billion Federal marketplace is not open to them.

When President Bush took office, he promised to change this and to open the Federal marketplace to small businesses. Even 2 years ago, during Small Business Week, he issued a small business agenda and made contract bundling his top priority. Since taking office, not only has he done nothing to change this, but this administration has failed to meet any of the small business goals set up by Congress. This is outrageous.

Today's legislation is a perfect example of that. This Department was created by the President and was supposedly to do things in a new way. What we are seeing here is business as usual. The most recent example is this regional security contract that currently is being done by small business securities firms across the country. Homeland Security is currently in the process of bundling this contract so large that probably three firms, one of them not even an American firm; so now, we are going to turn security over to foreign companies, and none of the small businesses will be able to provide the service. This will result in the loss of thousands of jobs in communities across the country at a time when job creation is still struggling.

My amendment will stop the Homeland Security from bundling contracts that will steal opportunities from small businesses and ensure that small businesses will continue to provide the services that they have done so well.

I urge the adoption of this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I reluctantly rise in opposition.

This is the first time we have seen this amendment. It is brand-new to me. We have not had a chance to discuss the matter with the gentlewoman.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the problem is that I was just contacted by one of the small business firms that has provided these services who is going to go out of business, and he contacted me yesterday.

Mr. ROGERS of Kentucky. Well, I understand the gentlewoman, and I appreciate the predicament that she is in on this.

It also puts us in a predicament because I do not know the ramifications of the amendment. It could have some very significant national unintended consequences that I have not had time to think about. So I wish we could work with the gentlewoman. Rather than bring this to a vote, perhaps if the gentlewoman would reconsider.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman will further yield, I am not prepared to do that at this point, because in the past, like in Homeland Security, I introduced an amendment where 23 percent of any monies spent by DOD in the reconstruction of Iraq will go to small businesses. During conference it was taken out. So time and time again, when we have an opportunity to help small businesses through the legislative process, they are being shut out.

Mr. ROGERS of Kentucky. Well, Mr. Chairman, reclaiming my time, then I have no choice but to oppose the amendment. I want to help the gentlewoman, but if this is the attitude, then we will just have a debate here and let the vote take place, and it will be one way or the other and over with.

So I would hope that the gentlewoman would reconsider that.

But nevertheless, Mr. Chairman, I do not know the ramifications of this amendment. It could be devastating around the Nation for all I know, so I have to at the moment oppose it and oppose it vigorously.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, it is just simply outrageous that if these securities have been performing these types of services by small businesses, that Homeland Security, despite the goals that have been set up by Congress, and despite the fact that the President made a commitment to small businesses of making contract bundling his top priority, that now Homeland Security is going to bundle this contract, putting so many small businesses out of business.

Mr. ROGERS of Kentucky. Mr. Chairman, reclaiming my time, if the gentlewoman would give me time to work

with her on this, I will be happy to do it, but this is the first I have known about it. I do not know the ramifications of the amendment the gentlewoman filed nationally. It could very well be very expensive nationally; it could cost the government a lot of money. It could set a bad precedent to predetermine the most efficient way of contracting. How does it help? How does it hurt? I do not know. So I have to oppose it until we know more about it.

So I would hope the Members would reject the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York. (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2005".

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do that because I think we have reached the end of the amendment process here and are about ready to call for the votes on the amendments that have been rolled over. But before we finish, I wanted to take a moment to say some things.

It is a pleasure working with my colleague, the gentleman from Minnesota (Mr. SABO). He works hard. He is smart. He has a good level head. He is a reasonable person, and he is a joy to be around and a great help in constructing this bill. It truly has been a partnership as we built the bill. I want to give him a lot of credit for the work that has been done. Of course, the members of our subcommittee. We have a super bunch of people. All of them contribute. All of them participate in the public hearings and, of course, the closed briefings that are classified.

□ 1500

They keep those secrets secret. So we have got a wonderful subcommittee to work with. And I could not be more pleased to be a part of this team, as I will call it.

Then a big part of that team too is this staff. They are just wonderful. Michelle and all of the crew and the minority staff work closely together; and they work long, long hours on extremely complicated matters building a brand-new Department, breaking ground on entirely new concepts that we are dealing with in this whole country.

This is the second bill for the whole Department of Homeland Security, a

new concept in Americans dealing with themselves and their country and the world. So we are plowing new ground. And this staff has just been wonderful in helping us all understand what it is we are dealing with and trying to come out with a proper result.

I appreciate so very much this staff on both sides of the aisle who have made this day possible.

Mr. Chairman, thank you for presiding over these proceedings as you have. We appreciate it very, very much.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I thank the gentleman for his kind comments. Let me say he is a pleasure to work with. He is a very knowledgeable, hard-working chairman, and he does an exceptional job as he has in heading two other subcommittees in this House. He is a long-experienced chairman. We do have good subcommittee members and a great staff on both sides of the aisle. It is a pleasure working with the gentleman and the staff and the other members of this subcommittee.

We have our differences, but I think we also have a good product. I thank the gentleman.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment by the gentlewoman from Texas (Ms. JACKSON-LEE); the amendment by the gentlewoman from Connecticut (Ms. DELAURO); amendment No. 1 by the gentlewoman from California (Ms. ROYBAL-ALLARD); the amendment by the gentleman from Colorado (Mr. TANCREDO); amendment No. 9 by the gentlewoman from New York (Mrs. MALONEY); the amendment by the gentleman from Minnesota (Mr. SABO); amendment No. 10 by the gentleman from Massachusetts (Mr. MARKEY); the amendment by the gentlewoman from New York (Ms. VELÁZQUEZ).

The Chair will reduce to 5 minutes the time for any electronic voting after the first vote in this series.

#### AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 269, not voting 27, as follows:

[Roll No. 267]

#### AYES—137

Ackerman	Frost	Ortiz
Alexander	Gephardt	Owens
Andrews	Gonzalez	Pallone
Baca	Gordon	Pastor
Becerra	Green (TX)	Payne
Bell	Grijalva	Pelosi
Berkley	Harman	Price (NC)
Berry	Hinchey	Rahall
Bishop (GA)	Hinojosa	Rangel
Bishop (NY)	Holt	Rodriguez
Blumenauer	Honda	Ross
Boswell	Hooley (OR)	Rothman
Brady (PA)	Hoyer	Roybal-Allard
Brown (OH)	Inlee	Ruppersberger
Brown, Corrine	Jackson-Lee	Rush
Capps	(TX)	Ryan (OH)
Capuano	Jefferson	Sánchez, Linda T.
Cardin	Johnson, E. B.	Sanchez, Loretta
Carson (IN)	Jones (OH)	Sanders
Carson (OK)	Kaptur	Sandlin
Chandler	Kennedy (RI)	Schakowsky
Clay	Kildee	Scott (GA)
Clyburn	Kilpatrick	Scott (VA)
Conyers	Kucinich	Serrano
Cooper	Lampson	Skelton
Costello	Lantos	Slaughter
Crowley	Larson (CT)	Solis
Cummings	Lee	Spratt
Davis (AL)	Lowe	Tanner
Davis (CA)	Majette	Thompson (MS)
Davis (FL)	Maloney	Tierney
Davis (IL)	Marshall	Towns
Davis (TN)	McCarthy (MO)	Turner (TX)
DeFazio	McCarthy (NY)	Udall (CO)
DeGette	McDermott	Udall (NM)
Delahunt	McGovern	Velázquez
DeLauro	McIntyre	Visclosky
Deutsch	McNulty	Waters
Doggett	Meek (FL)	Watson
Edwards	Meeks (NY)	Watt
Engel	Millender-McDonald	Weiner
Etheridge	Miller (NC)	Wexler
Evans	Moore	Woolsey
Fattah	Nadler	Wu
Filner	Napolitano	Wynn
Forbes	Oliver	
Ford		

#### NOES—269

Abercrombie	Chocola	Goodlatte
Aderholt	Coble	Goss
Akin	Cole	Granger
Allen	Cox	Graves
Bachus	Cramer	Green (WI)
Baldwin	Crane	Gutknecht
Barrett (SC)	Crenshaw	Hall
Bartlett (MD)	Cubin	Harris
Barton (TX)	Culberson	Hart
Bass	Cunningham	Hastings (WA)
Beauprez	Davis, Jo Ann	Hayes
Biggert	Davis, Tom	Hayworth
Billakis	Deal (GA)	Hefley
Bishop (UT)	DeLay	Hensarling
Blackburn	Diaz-Balart, L.	Herger
Blunt	Diaz-Balart, M.	Herseth
Bonilla	Dicks	Hill
Bonner	Dingell	Hobson
Bono	Dooley (CA)	Hoekstra
Boozman	Doolittle	Holden
Boucher	Doyle	Hostettler
Boyd	Dreier	Houghton
Bradley (NH)	Duncan	Hulshof
Brady (TX)	Dunn	Hunter
Brown (SC)	Ehlers	Hyde
Brown-Waite,	Emerson	Israel
Ginny	English	Issa
Burgess	Eshoo	Istook
Burns	Feeney	Jackson (IL)
Burr	Ferguson	Jenkins
Burton (IN)	Flake	Johnson (CT)
Buyer	Foley	Johnson (IL)
Calvert	Fossella	Johnson, Sam
Camp	Frank (MA)	Jones (NC)
Cannon	Franks (AZ)	Kanjorski
Cantor	Frelinghuysen	Keller
Capito	Gallely	Kelly
Cardoza	Garrett (NJ)	Kennedy (MN)
Carter	Gilchrest	Kind
Case	Gillmor	King (IA)
Castle	Gingrey	King (NY)
Chabot	Goode	Kingston

Kirk Northup Shays  
 Kleczka Norwood Sherman  
 Kline Nunes Sherwood  
 Knollenberg Nussle Shimkus  
 Kolbe Oberstar Shuster  
 LaHood Obey Simmons  
 Langevin Osborne Simpson  
 Larsen (WA) Ose Smith (MI)  
 Latham Otter Smith (NJ)  
 LaTourette Oxley Smith (TX)  
 Leach Pascrell Snyder  
 Levin Paul Souder  
 Lewis (CA) Pearce Stark  
 Lewis (KY) Pence Stearns  
 Linder Peterson (MN) Stenholm  
 LoBiondo Peterson (PA) Strickland  
 Lofgren Petri Stupak  
 Lucas (KY) Pickering Sullivan  
 Lucas (OK) Pitts Sweeney  
 Lynch Platts Tancredo  
 Manzullo Pombo Tauscher  
 Markey Pomeroy Tauzin  
 Matheson Porter Taylor (MS)  
 Matsui Portman Taylor (NC)  
 McCollum Pryce (OH) Terry  
 McCotter Putnam Thomas  
 McCrery Radanovich Thompson (CA)  
 McHugh Ramstad Thornberry  
 McInnis Regula Tiahrt  
 McKeon Rehberg Tiberi  
 Meehan Renzi Toomey  
 Mica Reynolds Turner (OH)  
 Michaud Rogers (AL) Upton  
 Miller (FL) Rogers (KY) Van Hollen  
 Miller (MI) Rogers (MI) Vitter  
 Miller, Gary Rohrabacher Walden (OR)  
 Miller, George Ros-Lehtinen Walsh  
 Molloy Royce Wamp  
 Moran (KS) Ryan (WI) Weldon (FL)  
 Moran (VA) Ryan (KS) Weldon (PA)  
 Murphy Sabo Weller  
 Murtha Saxton Whitfield  
 Musgrave Schiff Wicker  
 Myrick Schrock Wilson (NM)  
 Neal (MA) Sensenbrenner Wilson (SC)  
 Nethercutt Sessions Wolf  
 Neugebauer Shadegg Young (AK)  
 Ney Shaw Young (FL)

## NOT VOTING—27

Baird Emanuel Isakson  
 Baker Everett John  
 Ballenger Farr Lewis (GA)  
 Bereuter Gerlach Lipinski  
 Berman Gibbons Menendez  
 Boehlert Greenwood Quinn  
 Boehner Gutierrez Reyes  
 Collins Hastings (FL) Smith (WA)  
 DeMint Hoeffel Waxman

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1527

Mrs. TAUSCHER, and Messrs. SUL-LIVAN, TERRY, MORAN of Kansas, ROGERS of Michigan, NEAL of Massachusetts, VAN HOLLEN and MATSUI changed their vote from “aye” to “no.”

Messrs. RANGEL, RAHALL, BLUMENAUER, MOORE of Kansas, and HOYER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 221, not voting 30, as follows:

[Roll No. 268]

## AYES—182

Abercrombie Hill Obey  
 Ackerman Hinchey Olver  
 Alexander Hinojosa Ortiz  
 Allen Holden Owens  
 Andrews Holt Pallone  
 Baca Honda Pascrell  
 Baldwin Hoyer Pastor  
 Bass Inslee Payne  
 Becerra Israel Pelosi  
 Bell Jackson (IL) Peterson (MN)  
 Berkley Jackson-Lee Rahall  
 Berry (TX) Rangel  
 Bishop (GA) Jefferson Rodriguez  
 Bishop (NY) Johnson (CT) Ross  
 Boucher Johnson, E. B. Rothman  
 Bradley (NH) Jones (OH) Roybal-Allard  
 Brady (PA) Kanjorski Ruppersberger  
 Brown (OH) Kaptur Rush  
 Brown, Corrine Kennedy (RI) Ryan (OH)  
 Capps Kildee Sabo  
 Capuano Kilpatrick Sánchez, Linda  
 Cardin Kind T.  
 Cardoza Kleczka Sanchez, Loretta  
 Carson (IN) Kucinich Sanders  
 Carson (OK) Lampson Sandlin  
 Case Langevin Schakowsky  
 Chandler Lantos Schiff  
 Clay Larson (WA) Scott (GA)  
 Clyburn Larson (CT) Scott (VA)  
 Conyers Lee Serrano  
 Costello Levin Sherman  
 Cummings LoBiondo Sherwood  
 Davis (AL) Lowey Simmons  
 Davis (CA) Lynch Skelton  
 Davis (IL) Majette Slaughter  
 Davis (TN) Maloney Smith (NJ)  
 Davis, Jo Ann Markey Snyder  
 DeFazio Marshall Solis  
 DeGette Matheson Spratt  
 Delahunt Matsui Stark  
 DeLauro McCarthy (MO) Strickland  
 Deutsch McCarthy (NY) Stupak  
 Dingell McCollum Tauscher  
 Doggett McDermott Taylor (MS)  
 Doyle McGovern Thompson (MS)  
 Duncan McIntyre Tierney  
 Edwards McNulty Towns  
 Emerson Meehan Van Hollen  
 Engel Meek (FL) Velázquez  
 Eshoo Meeks (NY) Visclosky  
 Evans Michaud Vitter  
 Fattah Millender McDonald  
 Filner McDonald Miller, George  
 Frank (MA) Mollohan Murtha  
 Frost Gephardt Nadler  
 Gonzalez Gonzalez Napolitano  
 Goode Goode Neal (MA)  
 Green (TX) Grijalva Nethercutt  
 Hayes Northup Oberstar  
 Herseth

## NOES—221

Aderholt Boswell Chabot  
 Akin Boyd Choccola  
 Bachus Brady (TX) Coble  
 Barrett (SC) Brown (SC) Cole  
 Bartlett (MD) Brown-Waite, Cooper  
 Barton (TX) Ginny Cox  
 Beauprez Burgess Cramer  
 Biggert Burns Crane  
 Bilirakis Burr Crenshaw  
 Bishop (UT) Burton (IN) Cubin  
 Blackburn Calvert Culberson  
 Blumenauer Camp Cunningham  
 Blunt Cannon Davis (FL)  
 Bonilla Cantor Davis, Tom  
 Bonner Capito Deal (GA)  
 Bono Carter DeLay  
 Boozman Castle Diaz-Balart, L.

Diaz-Balart, M. King (NY) Ramstad  
 Dicks Kingston Regula  
 Dooley (CA) Kirk Rehberg  
 Doolittle Kline Renzi  
 Dreier Knollenberg Reynolds  
 Dunn Kolbe Rogers (AL)  
 Ehlers LaHood Rogers (KY)  
 English Latham Rogers (MI)  
 Etheridge LaTourette Rohrabacher  
 Feeney Leach Ros-Lehtinen  
 Ferguson Lewis (CA) Royce  
 Flake Lewis (KY) Ryan (WI)  
 Foley Linder Ryun (KS)  
 Forbes Lofgren Saxton  
 Ford Lucas (KY) Schrock  
 Fossella Lucas (OK) Sensenbrenner  
 Franks (AZ) Manzullo Sessions  
 Frelinghuysen McCotter Shadegg  
 Gallegly McCrery Shaw  
 Garrett (NJ) McHugh Shaays  
 Gilchrest McInnis Shimkus  
 Gillmor McKeon Shuster  
 Gingrey Mica Simpson  
 Gordon Miller (FL) Smith (MI)  
 Goss Miller (MI) Smith (TX)  
 Granger Miller (NC) Souder  
 Graves Miller, Gary Stearns  
 Green (WI) Moore Stenholm  
 Greenwood Moran (KS) Sullivan  
 Gutknecht Moran (VA) Sweeney  
 Hall Murphy Tancredo  
 Harman Musgrave Tanner  
 Harris Myrick Tauzin  
 Hart Neugebauer Taylor (NC)  
 Hastings (WA) Ney Terry  
 Hayworth Norwood Thomas  
 Hefley Nunes Thompson (CA)  
 Hensarling Nussle Thornberry  
 Herger Osborne Tiahrt  
 Hobson Ose Tiberi  
 Hoekstra Otter Toomey  
 Hooley (OR) Oxley Turner (OH)  
 Hostettler Paul Turner (TX)  
 Houghton Pearce Udall (CO)  
 Hulshof Peterson (PA) Udall (NM)  
 Hunter Petri Upton  
 Hyde Pickering Walden (OR)  
 Issa Pitts Walsh  
 Istook Platts Watt  
 Jenkins Pombo Weldon (FL)  
 Johnson (IL) Pomeroy Weldon (PA)  
 Johnson, Sam Porter Weller  
 Jones (NC) Portman Wicker  
 Keller Price (NC) Wilson (SC)  
 Kelly Pryce (OH) Wolf  
 Kennedy (MN) Putnam Young (AK)  
 King (IA) Radanovich Young (FL)

## NOT VOTING—30

Baird DeMint Isakson  
 Baker Emanuel John  
 Ballenger Everett Lewis (GA)  
 Bereuter Farr Lipinski  
 Berman Gerlach Menendez  
 Boehlert Gibbons Pence  
 Boehner Goodlatte Quinn  
 Buyer Gutierrez Reyes  
 Collins Hastings (FL) Smith (WA)  
 Crowley Hoeffel Waxman

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1534

Mr. WHITFIELD changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CROWLEY. Mr. Speaker, during rollcall vote No. 268, I was physically present here in the Chamber. I voted for the bill before and the bill after, but was not recorded on that particular vote. Had I been recorded on that particular vote, after putting my card into the machine and taking it out and pressing the button, it would have been an “aye” vote for 268.



Stated against:

Mr. GOODLATTE. Mr. Chairman, on rollcall No. 268 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 1 OFFERED BY MS. ROYBAL-ALLARD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentlewoman from California (Ms. ROYBAL-ALLARD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 242, noes 163, not voting 28, as follows:

[Roll No. 269]

#### AYES—242

Abercrombie	Edwards	LaTourette
Ackerman	Emerson	Leach
Aderholt	Engel	Lee
Alexander	English	Levin
Allen	Eshoo	Lewis (GA)
Andrews	Etheridge	LoBiondo
Baca	Evans	Lofgren
Baldwin	Fattah	Lowey
Barton (TX)	Ferguson	Lucas (KY)
Becerra	Filner	Lynch
Bell	Foley	Majette
Berkley	Forbes	Maloney
Berry	Ford	Markey
Bishop (GA)	Frank (MA)	Marshall
Bishop (NY)	Frost	Matheson
Blumenauer	Gephardt	Matsui
Boswell	Gonzalez	McCarthy (MO)
Boucher	Goode	McCarthy (NY)
Boyd	Gordon	McCollum
Brady (PA)	Green (TX)	McCotter
Brown (OH)	Green (WI)	McDermott
Brown, Corrine	Grijalva	McGovern
Burr	Harman	McHugh
Buyer	Hayworth	McIntyre
Capito	Hefley	McNulty
Capps	Hereth	Meehan
Capuano	Hill	Meek (FL)
Cardin	Hinchey	Meeks (NY)
Cardoza	Hinojosa	Mica
Carson (IN)	Holden	Michaud
Carson (OK)	Holt	Millender-
Case	Honda	McDonald
Chandler	Hoolley (OR)	Miller (NC)
Clay	Hostettler	Miller, George
Clyburn	Houghton	Mollohan
Coble	Hoyer	Moore
Conyers	Hyde	Moran (KS)
Cooper	Inslee	Moran (VA)
Costello	Israel	Murtha
Cramer	Jackson (IL)	Nadler
Crowley	Jackson-Lee	Napolitano
Cummings	(TX)	Neal (MA)
Davis (AL)	Jefferson	Oberstar
Davis (CA)	Johnson (IL)	Obey
Davis (FL)	Johnson, E. B.	Oliver
Davis (IL)	Jones (NC)	Ortiz
Davis (TN)	Jones (OH)	Osborne
Davis, Jo Ann	Kanjorski	Owens
Davis, Tom	Kaptur	Pallone
DeFazio	Kennedy (RI)	Pascarell
DeGette	Kildee	Pastor
Delahunt	Kilpatrick	Paul
DeLauro	Kind	Payne
Deutsch	Kleczka	Pelosi
Diaz-Balart, L.	Kucinich	Peterson (MN)
Dicks	LaHood	Petri
Dingell	Lampson	Platts
Doggett	Langevin	Pomeroy
Doolley (CA)	Lantos	Price (NC)
Doyle	Larsen (WA)	Rahall
Duncan	Larson (CT)	Rangel

Rodriguez	Shays	Thompson (MS)
Rogers (AL)	Sherman	Tierney
Ros-Lehtinen	Shimkus	Towns
Ross	Simmons	Turner (OH)
Rothman	Skelton	Turner (TX)
Roybal-Allard	Slaughter	Udall (CO)
Ruppersberger	Smith (NJ)	Udall (NM)
Rush	Snyder	Van Hollen
Ryan (OH)	Solis	Velázquez
Sabo	Spratt	Visclosky
Sánchez, Linda	Stark	Waters
T.	Stenholm	Watson
Sanchez, Loretta	Strickland	Watt
Sanders	Stupak	Weiner
Sandlin	Sweeney	Weldon (PA)
Saxton	Tancredo	Wexler
Schakowsky	Tanner	Wolf
Schiff	Tauscher	Woolsey
Scott (GA)	Taylor (MS)	Wu
Scott (VA)	Taylor (NC)	Wynn
Serrano	Thompson (CA)	

#### NOES—163

Akin	Goodlatte	Otter
Bachus	Goss	Oxley
Barrett (SC)	Granger	Pearce
Bartlett (MD)	Graves	Pence
Bass	Greenwood	Peterson (PA)
Beauprez	Gutknecht	Pickering
Biggert	Hall	Pitts
Bilirakis	Harris	Pombo
Bishop (UT)	Hart	Porter
Blackburn	Hastings (WA)	Portman
Blunt	Hayes	Putnam
Bonilla	Hensarling	Radanovich
Bonner	Herger	Ramstad
Bono	Hobson	Regula
Boozman	Hoekstra	Rehberg
Bradley (NH)	Hulshof	Renzi
Brady (TX)	Hunter	Reynolds
Brown (SC)	Issa	Rogers (KY)
Brown-Waite,	Istook	Rogers (MI)
Ginny	Jenkins	Rohrabacher
Burgess	Johnson (CT)	Royce
Burns	Johnson, Sam	Ryan (WI)
Burton (IN)	Keller	Ryun (KS)
Calvert	Kelly	Schrock
Camp	Kennedy (MN)	Sensenbrenner
Cannon	King (IA)	Sessions
Cantor	King (NY)	Shadegg
Carter	Kingston	Shaw
Castle	Kirk	Shaw
Chabot	Kline	Sherwood
Chocola	Knollenberg	Shuster
Cole	Kolbe	Simpson
Cox	Latham	Smith (MI)
Crane	Lewis (CA)	Smith (TX)
Crenshaw	Lewis (KY)	Souder
Cubin	Linder	Stearns
Culberson	Lucas (OK)	Sullivan
Cunningham	Manzullo	Tauzin
Deal (GA)	McCrery	Terry
DeLay	McInnis	Thornberry
Diaz-Balart, M.	McKeon	Tiahrt
Doolittle	Miller (FL)	Tiberi
Dreier	Miller (MI)	Toomey
Dunn	Miller, Gary	Upton
Ehlers	Murphy	Vitter
Feeney	Musgrave	Walden (OR)
Flake	Myrick	Walsh
Fossella	Nethercutt	Wamp
Franks (AZ)	Neugebauer	Weller
Frelinghuysen	Ney	Whitfield
Gallely	Northup	Wicker
Garrett (NJ)	Norwood	Wilson (NM)
Gilchrest	Nunes	Wilson (SC)
Gillmor	Nussle	Young (AK)
Gingrey	Ose	Young (FL)

#### NOT VOTING—28

Baird	Everett	Menendez
Baker	Farr	Pryce (OH)
Ballenger	Gerlach	Quinn
Bereuter	Gibbons	Reyes
Berman	Gutierrez	Smith (WA)
Boehrlert	Hastings (FL)	Thomas
Boehner	Hoeffel	Waxman
Collins	Isakson	Weldon (FL)
DeMint	John	
Emanuel	Lipinski	

#### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are two minutes left in this vote.

□ 1542

Messrs. MCCOTTER, TAYLOR of North Carolina and DUNCAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 148, noes 259, not voting 26, as follows:

[Roll No. 270]

#### AYES—148

Aderholt	Goode	Peterson (MN)
Akin	Goodlatte	Peterson (PA)
Bachus	Granger	Pickering
Barrett (SC)	Graves	Pitts
Bartlett (MD)	Greenwood	Platts
Bass	Gutknecht	Pombo
Beauprez	Harris	Putnam
Bilirakis	Hayes	Radanovich
Bishop (UT)	Hayworth	Ramstad
Blackburn	Hefley	Rehberg
Bonilla	Herger	Renzi
Bonner	Hoekstra	Rogers (AL)
Boozman	Hostettler	Rogers (KY)
Bradley (NH)	Hulshof	Rohrabacher
Brady (TX)	Hunter	Royce
Brown (SC)	Hyde	Ryun (KS)
Brown-Waite,	Issa	Schrock
Ginny	Istook	Sensenbrenner
Burgess	Jenkins	Sessions
Burns	Johnson, Sam	Shadegg
Burton (IN)	Jones (NC)	Shaw
Buyer	Keller	Shays
Camp	Kelly	Shimkus
Cantor	King (IA)	Shuster
Carter	Kingston	Simpson
Chabot	Kline	Smith (MI)
Coble	Kolbe	Smith (TX)
Cox	Lewis (KY)	Souder
Crane	Linder	Stearns
Crenshaw	Lucas (OK)	Sweeney
Cubin	Manzullo	Tancredo
Culberson	McCotter	Tauzin
Cunningham	McCrery	Taylor (MS)
Davis, Jo Ann	McHugh	Taylor (NC)
Deal (GA)	McInnis	Thornberry
DeLay	McKeon	Tiahrt
Doolittle	Mica	Toomey
Dreier	Miller (FL)	Turner (OH)
Duncan	Miller (MI)	Upton
Emerson	Miller, Gary	Vitter
Feeney	Moran (KS)	Walden (OR)
Flake	Musgrave	Wamp
Foley	Myrick	Weldon (FL)
Forbes	Neugebauer	Weldon (PA)
Franks (AZ)	Ney	Whitfield
Gallely	Norwood	Wicker
Garrett (NJ)	Ose	Wilson (SC)
Gilchrest	Otter	Young (AK)
Gillmor	Paul	Young (FL)
Gingrey	Pence	

#### NOES—259

Abercrombie	Barton (TX)	Bishop (NY)
Ackerman	Becerra	Blumenauer
Alexander	Bell	Blunt
Allen	Berkley	Bono
Andrews	Berry	Boswell
Baca	Biggert	Boucher
Baldwin	Bishop (GA)	Boyd

Brady (PA) Houghton  
Brown (OH) Hoyer  
Brown, Corrine Inslee  
Burr Israel  
Calvert Jackson (IL)  
Cannon Jackson-Lee  
Capito (TX)  
Capps Jefferson  
Capuano Johnson (CT)  
Cardin Johnson (IL)  
Cardoza Johnson, E. B.  
Carson (IN) Jones (OH)  
Carson (OK) Kanjorski  
Case Kaptur  
Castle Kennedy (MN)  
Chandler Kennedy (RI)  
Chocola Kildee  
Clay Kilpatrick  
Clyburn Kind  
Cole King (NY)  
Conyers Kirk  
Cooper Kleczka  
Costello Knollenberg  
Cramer Kucinich  
Crowley LaHood  
Cummings Lampson  
Davis (AL) Langevin  
Davis (CA) Lantos  
Davis (FL) Larsen (WA)  
Davis (IL) Larson (CT)  
Davis (TN) Latham  
Davis, Tom LaTourette  
DeFazio Leach  
DeGette Lee  
Delahunt Levin  
DeLauro Lewis (CA)  
Deutsch Lewis (GA)  
Diaz-Balart, L. LoBiondo  
Diaz-Balart, M. Lofgren  
Dicks Lowey  
Dingell Lucas (KY)  
Doggett Lynch  
Dooley (CA) Majette  
Doyle Maloney  
Dunn Markey  
Edwards Marshall  
Ehlers Matheson  
Engel Matsui  
English McCarthy (MO)  
Eshoo McCarthy (NY)  
Etheridge McCollum  
Evans McDermott  
Fattah McGovern  
Ferguson McIntyre  
Filner McNulty  
Ford Meehan  
Fossella Meek (FL)  
Frank (MA) Meeks (NY)  
Frelinghuysen Michaud  
Frost Millender-  
Gephardt McDonald  
Gonzalez Miller (NC)  
Gordon Miller, George  
Goss Mollohan  
Green (TX) Moore  
Green (WI) Moran (VA)  
Grijalva Murphy  
Hall Murtha  
Harman Nadler  
Hart Napolitano  
Hastings (WA) Neal (MA)  
Hensarling Nethercutt  
Herseith Northup  
Hill Nunes  
Hinchey Nussle  
Hinojosa Oberstar  
Hobson Obey  
Holden Oliver  
Holt Ortiz  
Honda Osborne  
Hooley (OR) Owens

## NOT VOTING—26

Baird Emanuel  
Baker Everett  
Ballenger Farr  
Bereuter Gerlach  
Berman Gibbons  
Boehlert Gutierrez  
Boehner Hastings (FL)  
Collins Hoeffel  
DeMint Isakson

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1550

Mr. BONILLA, Ms. HARRIS, and Messrs. TURNER of Ohio, GILCHREST and OSE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 9 OFFERED BY MRS. MALONEY

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 113, noes 292, not voting 28, as follows:

[Roll No. 271]

AYES—113

Ackerman Hinchey  
Alexander Hoekstra  
Becerra Holt  
Bell Houghton  
Berkley Hoyer  
Bishop (NY) Inslee  
Blumenauer Israel  
Brady (PA) Jackson (IL)  
Brown, Corrine Jackson-Lee  
Capps (TX)  
Capuano Jefferson  
Cardin Johnson, E. B.  
Carson (IN) Jones (OH)  
Carson (OK) Kelly  
Chabot Kennedy (MN)  
Clay King (NY)  
Conyers Lantos  
Cooper Larson (CT)  
Crowley Lee  
Davis (CA) Lofgren  
Davis (IL) Lowey  
Davis, Tom Lynch  
Delahunt Maloney  
Dooley (CA) Markey  
Doyle McCarthy (MO)  
Engel McCarthy (NY)  
Eshoo McDermott  
Fattah McGovern  
Ferguson McHugh  
Filner McNulty  
Ford Meehan  
Fossella Meeks (NY)  
Frank (MA) Millender-  
Frelinghuysen McDonald  
Gephardt Miller, Gary  
Gonzalez Miller, George  
Green (TX) Moran (VA)  
Grijalva Nadler  
Harman Napolitano

## NOES—292

Abercrombie Bilirakis  
Aderholt Bishop (GA)  
Akin Bishop (UT)  
Allen Blackburn  
Andrews Blunt  
Baca Bonilla  
Bachus Bonner  
Baldwin Bono  
Barrett (SC) Boozman  
Bartlett (MD) Boswell  
Barton (TX) Boucher  
Bass Boyd  
Beauprez Bradley (NH)  
Berry Brady (TX)  
Biggart Brown (OH)

Case Istook  
Castle Jenkins  
Chandler Johnson (CT)  
Chocola Johnson (IL)  
Clyburn Johnson, Sam  
Coble Jones (NC)  
Cole Kanjorski  
Costello Kaptur  
Cox Keller  
Cramer Kennedy (RI)  
Crane Kildee  
Crenshaw Kilpatrick  
Cubin Kind  
Culberson King (IA)  
Cummings Kingston  
Cunningham Kirk  
Davis (AL) Kleczka  
Davis (FL) Kline  
Davis (TN) Knollenberg  
Davis, Jo Ann Kolbe  
Deal (GA) Kucinich  
DeFazio LaHood  
DeGette Lampson  
DeLauro Langevin  
DeLay Larsen (WA)  
Deutsch Latham  
Diaz-Balart, L. LaTourette  
Diaz-Balart, M. Leach  
Dicks Levin  
Dingell Lewis (CA)  
Doggett Lewis (GA)  
Doolittle Lewis (KY)  
Dreier Linder  
Duncan LoBiondo  
Dunn Lucas (KY)  
Edwards Lucas (OK)  
Ehlers Majette  
Emerson Manzullo  
English Marshall  
Etheridge Matheson  
Evans McCollum  
Feeney McCotter  
Flake McCreery  
Foley McInnis  
Forbes McIntyre  
Franks (AZ) McKeon  
Frost Meek (FL)  
Gallegly Mica  
Garrett (NJ) Michaud  
Gilchrest Miller (FL)  
Gillmor Miller (MI)  
Gingrey Miller (NC)  
Goode Mollohan  
Goodlatte Moore  
Gordon Moran (KS)  
Goss Murphy  
Granger Murtha  
Graves Musgrave  
Green (WI) Myrick  
Greenwood Nethercutt  
Gutknecht Neugebauer  
Hall Ney  
Harris Northup  
Hart Norwood  
Hastings (WA) Nunes  
Hayes Nussle  
Hayworth Oberstar  
Hefley Obey  
Hensarling Oliver  
Herger Ortiz  
Herseith Osborne  
Hill Ose  
Hinojosa Otter  
Hobson Oxley  
Holden Pastor  
Honda Paul  
Hooley (OR) Pearce  
Hostettler Peterson (MN)  
Hulshof Peterson (PA)  
Hunter Petri  
Hyde Pickering  
Inslee Pitts  
Issa

## NOT VOTING—28

Baird Everett  
Baker Farr  
Ballenger Gerlach  
Bereuter Gibbons  
Berman Gutierrez  
Boehlert Hastings (FL)  
Boehner Hoeffel  
Collins Isakson  
DeMint John  
Emanuel Lipinski

Platts Pomo  
Pomero Pomeroy  
Portman Portman  
Price (NC) Price (NC)  
Pryce (OH) Pryce (OH)  
Putnam Putnam  
Radanovich Radanovich  
Rahall Rahall  
Ramstad Ramstad  
Regula Regula  
Rehberg Rehberg  
Renzi Renzi  
Rogers (AL) Rogers (AL)  
Rogers (KY) Rogers (KY)  
Rogers (MI) Rogers (MI)  
Ros-Lehtinen Ros-Lehtinen  
Ross Ross  
Royce Royce  
Ryan (OH) Ryan (OH)  
Ryan (WI) Ryan (WI)  
Ryun (KS) Ryun (KS)  
Sabo Sabo  
Sanders Sanders  
Saxton Saxton  
Schrock Schrock  
Scott (VA) Scott (VA)  
Sensenbrenner Sensenbrenner  
Sessions Sessions  
Shadegg Shadegg  
Shaw Shaw  
Sherwood Sherwood  
Shuster Shuster  
Simmons Simmons  
Simpson Simpson  
Skelton Skelton  
Smith (MI) Smith (MI)  
Smith (NJ) Smith (NJ)  
Smith (TX) Smith (TX)  
Snyder Snyder  
Souder Souder  
Spratt Spratt  
Stearns Stearns  
Stenholm Stenholm  
Strickland Strickland  
Stupak Stupak  
Sullivan Sullivan  
Tanner Tanner  
Tauzin Tauzin  
Taylor (MS) Taylor (MS)  
Taylor (NC) Taylor (NC)  
Terry Terry  
Thompson (MS) Thompson (MS)  
Thornberry Thornberry  
Tiahrt Tiahrt  
Tiberi Tiberi  
Toomey Toomey  
Turner (OH) Turner (OH)  
Turner (TX) Turner (TX)  
Udall (CO) Udall (CO)  
Udall (NM) Udall (NM)  
Upton Upton  
Visclosky Visclosky  
Vitter Vitter  
Walden (OR) Walden (OR)  
Walsh Walsh  
Wamp Wamp  
Waters Waters  
Watt Watt  
Weldon (FL) Weldon (FL)  
Weldon (PA) Weldon (PA)  
Weller Weller  
Wexler Wexler  
Whitfield Whitfield  
Wicker Wicker  
Wilson (NM) Wilson (NM)  
Wilson (SC) Wilson (SC)  
Wolf Wolf  
Wu Wu  
Wynn Wynn  
Young (AK) Young (AK)  
Young (FL) Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO  
TEMPORE

The CHAIRMAN pro tempore (during the vote). Two minutes remain in this vote.

□ 1558

Mr. ROTHMAN changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. SABO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. SABO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 199, noes 205, not voting 29, as follows:

[Roll No. 272]

## AYES—199

Abercrombie	Edwards	Lofgren
Ackerman	Ehlers	Lowe
Alexander	Engel	Lucas (KY)
Allen	Eshoo	Lynch
Andrews	Etheridge	Majette
Baca	Evans	Maloney
Baldwin	Fattah	Markey
Becerra	Filner	Marshall
Bell	Ford	Matheson
Berkley	Frank (MA)	Matsui
Berry	Frost	McCarthy (MO)
Bishop (GA)	Gephardt	McCarthy (NY)
Bishop (NY)	Gonzalez	McCollum
Blumenauer	Gordon	McDermott
Boswell	Green (TX)	McGovern
Boucher	Green (WI)	McIntyre
Boyd	Grijalva	McNulty
Bradley (NH)	Harman	Meehan
Brady (PA)	Herse	Meek (FL)
Brown (OH)	Hill	Meeks (NY)
Brown, Corrine	Hinchey	Michaud
Capps	Hinojosa	Millender-
Capuano	Holden	McDonald
Cardin	Holt	Miller (NC)
Cardoza	Honda	Miller, George
Carson (IN)	Hooey (OR)	Mollohan
Carson (OK)	Hoyer	Moore
Case	Inslee	Moran (VA)
Chabot	Israel	Murtha
Chandler	Jackson (IL)	Nadler
Clay	Jackson-Lee	Napolitano
Clyburn	(TX)	Neal (MA)
Conyers	Jefferson	Oberstar
Cooper	Johnson, E. B.	Obey
Costello	Jones (OH)	Oliver
Cramer	Kanjorski	Ortiz
Crowley	Kaptur	Owens
Cummings	Kennedy (RI)	Pallone
Davis (AL)	Kildee	Pascarell
Davis (CA)	Kilpatrick	Pastor
Davis (FL)	Kind	Paul
Davis (IL)	Kingston	Payne
Davis (TN)	Kleczka	Pelosi
DeFazio	Kucinich	Peterson (MN)
DeGette	Lampson	Pomeroy
Delahunt	Langevin	Price (NC)
DeLauro	Lantos	Rahall
Deutsch	Larsen (WA)	Rangel
Dicks	Larson (CT)	Rodriguez
Dingell	Leach	Ross
Doggett	Lee	Rothman
Dooley (CA)	Levin	Roybal-Allard
Doyle	Lewis (GA)	Ruppersberger

Rush	Slaughter
Ryan (OH)	Snyder
Ryan (WI)	Solis
Sabo	Spratt
Sanchez, Linda	Stark
T.	Stenholm
Sanchez, Loretta	Strickland
Sanders	Stupak
Sandlin	Tanner
Schiff	Tauscher
Scott (GA)	Taylor (MS)
Scott (VA)	Thompson (CA)
Serrano	Thompson (MS)
Sherman	Towns
Skelton	Turner (TX)

## NOES—205

Aderholt	Goss
Akin	Granger
Bachus	Graves
Barrett (SC)	Greenwood
Bartlett (MD)	Gutknecht
Barton (TX)	Hall
Bass	Harris
Beauprez	Hart
Biggett	Hastings (WA)
Bilirakis	Hayes
Bishop (UT)	Hayworth
Blackburn	Hefley
Blunt	Hensarling
Bonilla	Herger
Bonner	Hoekstra
Bono	Hostettler
Boozman	Houghton
Brady (TX)	Hulshof
Brown (SC)	Hunter
Brown-Waite,	Hyde
Ginny	Issa
Burgess	Istook
Burns	Jenkins
Burr	Johnson (CT)
Burton (IN)	Johnson (IL)
Buyer	Johnson, Sam
Calvert	Jones (NC)
Camp	Keller
Cannon	Kelly
Cantor	Kennedy (MN)
Capito	King (IA)
Carter	King (NY)
Castle	Kirk
Chocola	Kline
Coble	Knollenberg
Cole	Kolbe
Cox	LaHood
Crane	Latham
Crenshaw	LaTourette
Cubin	Lewis (CA)
Culberson	Lewis (KY)
Cunningham	Linder
Davis, Jo Ann	LoBiondo
Davis, Tom	Lucas (OK)
Deal (GA)	Manzullo
DeLay	McCotter
Diaz-Balart, L.	McCrery
Diaz-Balart, M.	McHugh
Doolittle	McInnis
Dreier	McKeon
Duncan	Mica
Dunn	Miller (FL)
Emerson	Miller (MI)
English	Miller, Gary
Feeney	Moran (KS)
Ferguson	Murphy
Flake	Musgrave
Foley	Myrick
Forbes	Nethercutt
Fossella	Neugebauer
Franks (AZ)	Ney
Frelinghuysen	Northup
Gallely	Norwood
Garrett (NJ)	Nunes
Gilchrest	Nussle
Gillmor	Osborne
Gingrey	Ose
Goode	Otter
Goodlatte	Oxley

## NOT VOTING—29

Baird	Everett
Baker	Farr
Ballenger	Gerlach
Bereuter	Gibbons
Berman	Gutierrez
Boehlert	Hastings (FL)
Boehner	Hobson
Collins	Hoefel
DeMint	Isakson
Emanuel	John

Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

ANNOUNCEMENT BY THE CHAIRMAN PRO  
TEMPORE

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

□ 1605

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 10 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 191, noes 211, not voting 31, as follows:

[Roll No. 273]

## AYES—191

Abercrombie	Frelinghuysen	McGovern
Ackerman	Frost	McIntyre
Aderholt	Gephardt	McNulty
Alexander	Gordon	Meehan
Andrews	Green (WI)	Meek (FL)
Baca	Grijalva	Millender-
Baldwin	Harman	McDonald
Bass	Hayworth	Miller (NC)
Becerra	Hefley	Miller, George
Berry	Herse	Mollohan
Bilirakis	Hill	Moore
Bishop (NY)	Hinchey	Moran (KS)
Blumenauer	Hinojosa	Moran (VA)
Boucher	Holden	Nadler
Boyd	Holt	Napolitano
Bradley (NH)	Honda	Neal (MA)
Brady (PA)	Hooey (OR)	Ney
Brown-Waite,	Hoyer	Obey
Ginny	Inslee	Oliver
Capito	Israel	Ortiz
Capps	Jackson (IL)	Ose
Capuano	Jefferson	Owens
Cardin	Johnson (IL)	Pallone
Cardoza	Johnson, E. B.	Pascarell
Carson (IN)	Jones (NC)	Payne
Case	Kanjorski	Pelosi
Castle	Kelly	Pitts
Chabot	Kennedy (RI)	Pomeroy
Chandler	Kildee	Porter
Conyers	Kilpatrick	Price (NC)
Cooper	Kind	Ramstad
Cramer	King (NY)	Rangel
Cummings	Kirk	Rodriguez
Davis (AL)	Kleczka	Rohrabacher
Davis (CA)	Kucinich	Ros-Lehtinen
Davis (FL)	Langevin	Ross
Dingell	Lantos	Rothman
Doggett	Larsen (WA)	Roybal-Allard
Dooley (CA)	Larson (CT)	Royce
Doyle	Leach	Rush
	Lee	Ryan (WI)
	Levin	Ryun (KS)
	Lewis (GA)	Sabo
	LoBiondo	Sanchez, Linda
	Looney	T.
	Lynch	Sanchez, Loretta
	Maloney	Sanders
	Markey	Saxton
	Marshall	Schiff
	Matsui	Scott (VA)
	McCarthy (MO)	Serrano
	McCarthy (NY)	Shays
	McCollum	Sherman
	McDermott	Shimkus
		Simmons

Skelton  
Slaughter  
Smith (NJ)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner

Tauscher  
Taylor (MS)  
Thompson (CA)  
Tiberi  
Toomey  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)

Upton  
Van Hollen  
Velázquez  
Vitter  
Watson  
Watt  
Weiner  
Wexler  
Woolsey

# ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1612

So the amendment was rejected.  
The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 201, noes 205, not voting 27, as follows:

[Roll No. 274]

## AYES—201

Akin  
Allen  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Beauprez  
Bell  
Berkley  
Biggert  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Carson (OK)  
Carter  
Chocola  
Clay  
Clyburn  
Coble  
Cole  
Costello  
Cox  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cunningham  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Feeney  
Filner  
Flake  
Forbes  
Franks (AZ)  
Gallegly  
Garrett (NJ)

Nussle  
Oberstar  
Osborne  
Otter  
Oxley  
Pastor  
Paul  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Hall  
Pickering  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ruppersberger  
Ryan (OH)  
Sandlin  
Schrock  
Scott (GA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shuster  
Simpson  
Smith (MI)  
Smith (TX)  
Souders  
Stearns  
Stenholm  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thompson (MS)  
Thornberry  
Tiahrt  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Waters  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wu  
Wynn  
Young (AK)  
Young (FL)

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baldwin  
Becerra  
Bell  
Berkley  
Berry  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Hill  
Hinchey  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Chandler  
Mica  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro

Evans  
Fattah  
Filner  
Ford  
Frank (MA)  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Harman  
Herseth  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Rodriguez  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabó  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders

Sandlin  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Snyder  
Solis  
Spratt  
Stark

Stenholm  
Strickland  
Stupak  
Sweeney  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Towns  
Turner (TX)  
Udall (CO)

Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOES—205

Aderholt  
Akin  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Biggert  
Bilirakis  
Blackburn  
Blunt  
Bonilla  
Bonner  
Bono  
Boozman  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole  
Cox  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Emerson  
English  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fossella  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gilchrest  
Gillmor  
Gingrey

Goode  
Goodlatte  
Goss  
Granger  
Graves  
Green (WI)  
Greenwood  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
McCrery  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—27

Baird  
Baker  
Ballenger  
Bereuter  
Berman  
Boehlert  
Boehner  
Collins  
DeMint  
Emanuel  
Everett

## NOT VOTING—31

Farr  
Gerlach  
Gibbons  
Greenwood  
Gutierrez  
Harris  
Hastings (FL)  
Hoeffel  
Isakson  
John  
Kaptur

Lipinski  
Menendez  
Quinn  
Reyes  
Schakowsky  
Smith (WA)  
Thomas  
Tierney  
Waxman

Lipinski  
Menendez  
Quinn  
Reyes  
Schakowsky  
Smith (WA)  
Thomas  
Tierney  
Waxman

Lipinski  
Menendez  
Quinn  
Reyes  
Schakowsky  
Smith (WA)  
Thomas  
Tierney  
Waxman

Lipinski  
Menendez  
Quinn  
Reyes  
Schakowsky  
Smith (WA)  
Thomas  
Tierney  
Waxman

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members

are advised 2 minutes remain in this vote.

□ 1619

Mr. TANNER and Mr. KLECZKA changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DREIER. Mr. Chairman, I rise today in strong support of H.R. 4567, the Homeland Security Appropriations bill for fiscal year 2005. Specifically, Congress continues to provide significant homeland security dollars for State and local governments, which is essential in our ongoing global war on terror. Since September 11, 2001, Congress has provided \$26.7 billion to first responders, thus far including training and equipment. While this is undeniably the greatest support our Nation's police, firefighters and other responders have seen, we continue to face challenges in distributing this funding in a fair and appropriate manner.

Chairman HAL ROGERS has accomplished a great deal by taking the helm of this new appropriations subcommittee and all its responsibilities, with the most recent success of streamlining the process of applying and receiving Federal funds for local governments with a "one-stop shop," eliminating choke points and bureaucracy.

But we still have a fundamental challenge to tackle—and that is the disparity between States in receiving the first responder block grant. The bulk of first responder funds is distributed on a per capita basis, leaving the largest, most vulnerable States with the least amount of Federal resources. While we have achieved some balance with the concentration of the high-threat urban area grants, I believe we can and will continue to work toward even greater equity within the formula.

I look forward to working with Chairman ROGERS and all of my colleagues from urban and rural areas to ensure that as Congress continues to provide significant resources to our responder communities, that we do it in an effective and efficient manner.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in respectful opposition to the amendment offered by the distinguished gentleman from Massachusetts, my colleague on the House Select Committee on Homeland Security regarding the most serious issue of cargo security.

I agree with my colleague that we need to address the gaps that exist in the airline cargo screening process. However, at this juncture, because the complete screening of all cargo is an unfeasible undertaking, it is preferable that we continue the screening process as it is and instead set a deadline for airline carriers to devise an efficient and cost-effective plan and to procure adequate equipment to enhance the current process.

It is speculative at best that, under the text of our colleague's amendment, our Transportation Security Administration will actually be able to perform this tremendous undertaking. To impose a requirement to screen every item of air cargo carried on passenger airlines would dramatically increase costs for air cargo and eliminate cargo services to some communities and impose additional time and burden upon our economy and the already flailing industry.

Long term, this amendment would put some 655 jobs at risk at Bush Intercontinental Air-

port (IAH). These people will have nothing to do if 100 percent cargo screening is required and will be terminated. Service to small cities may be curtailed or even eliminated which would result in other job loss. It would be far more difficult to get goods out of Houston as there is not enough belly space in FedEx and UPS or on rail or by truck to cover it all. FedEx and UPS have been lobbying with us on this issue as they know they do not have enough space. The DHS Appropriations Subcommittee will require 20 percent random inspection of cargo (in the bill). H.R. 4567 provides for 100 new cargo inspectors and increased Research and Development funding.

At IAH Airport in Houston, there has already been implemented a costly demonstration project that involves pulse neutron analysis, so an additional burden would not be welcome at this time.

On May 6th of this year, I joined the distinguished gentleman from Massachusetts, along with the Ranking Member of our committee from Texas, Mr. TURNER, and Mr. ISRAEL from New York, Member of the House Armed Services Committee, in introducing legislation on behalf of House Democrats to improve aviation security throughout the United States—the Safe PLANES Act.

The bill covers areas such as strengthening the screener workforce at the Transportation Security Administration (TSA), installing explosive detection equipment and other technologies across the Nation where needed, and the implementation of a plan to fully inspect all cargo on passenger aircraft, among others. It addresses the serious gaps that we recognize in our current aviation security plan that is currently being administered by TSA. The nature of the vulnerabilities require immediate changes and the implementation of improved plans to fully screen all cargo, even-handedly install equipment and technology in all airports, and increase the number of trained personnel where needed.

I contributed to the crafting of this legislation by drafting paragraph (a)(5) of section 6 entitled "Aviation Security Technologies" and paragraph (b) of section 7 entitled "Inspection of Cargo Carried Aboard Passenger Aircraft." Paragraph (a)(5) of the first section calls for, in connection with a report requirement made to accompany the Department of Homeland Security's (DHS's) fiscal year 2006 budget request, the gathering of information that reveals the Federal and airport security personnel's capability of operating screening equipment and technology—speaking to the question of equipment interoperability and staff competency to operate equipment. Paragraph (b) of the second section requires the Secretary of DHS to transmit to Congress a summary of the system implemented to screen and inspect air cargo in the same manner and degree as that employed to screen and inspect passenger baggage pursuant to section 404 of this provision. The language that I proposed seeks to uncover weaknesses in our airport security personnel as well as to give Congress a blue print with which it can better exercise its oversight duties with respect to the screening and inspection of air cargo.

The Safe PLANES Act, if passed, will give us an added layer of security for air cargo. We should work for its passage and take legislative initiatives one step at a time in order to ensure that we work effectively and without hurting the backbone of our economy—the workers.

For the above reasons, Mr. Chairman, I respectfully oppose this amendment and ask that my colleagues work to improve and pass the Safe PLANES Act.

Mr. REYES. Mr. Chairman, I want to discuss the bill before us today, H.R. 4567, the Department of Homeland Security Appropriations Act for 2005. I particularly want to discuss how certain provisions in this legislation would affect my district of El Paso, Texas, and the entire southwest border region.

While the bill provides an overall funding increase of about 9 percent over last year for all homeland security activities, there are certain areas in the bill where we must do better. For example, H.R. 4567 provides only a little more funding for customs and border protection activities than is necessary to keep pace with inflation, and actually provides less funding than last year for citizenship and immigration services.

A Democratic proposal to add \$3 billion to the bill for urgently needed improvements to our homeland security was blocked in the Appropriations Committee. This contingency fund would have given us additional resources to strengthen our border security, provide our first responders additional resources, and better protect against the threat of bioterrorist attacks.

I am very pleased, however, that the amendment offered by my colleague from Texas, Mr. TURNER, was accepted. The amendment would require an independent study to assess staffing needs at the border, giving us reliable data to help determine the required level and allocation of personnel at the border. It is a great step forward in ensuring that our border security needs are adequately addressed and funded.

Mr. Chairman, as we move forward with this legislation, it is my hope that we will increase funding for critical homeland security programs, to ensure that even in a time of fiscal constraints we are doing absolutely everything possible to keep our borders, and all of America, safe and secure.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Manzullo amendment to apply the Berry amendment to homeland security procurement. This is a common-sense and proven step to create American jobs and reward American companies.

For 30 years, the Berry amendment has protected critical defense-related industries in this country. It has helped to preserve manufacturing, textile and other American jobs, allowed domestic companies to flourish, and provided our Armed Forces with high-quality products that keep our military prepared and equipped to be the best in the world.

Having served America so well for defense procurement, it makes perfect sense that the Berry amendment should now be extended to homeland security. U.S. companies have been instrumental in ongoing efforts to protect airports, equip first responders, deploy cutting-edge technology to hospitals, and so much more. Rewarding their patriotism and hard work with procurement protections is the right thing to do.

I also want to note that the Manzullo amendment would allow waivers of the Berry amendment when needed items cannot be procured domestically and would not place any of our current or future homeland security operations at risk. What it would do is say to American companies and American workers

that we appreciate their efforts and welcome their partnership as we work to protect our citizens.

The Berry amendment is a tested means of supporting domestic businesses while they support us. I hope my colleagues will support Congressman MANZULLO's amendment and extend this important provision to homeland security procurement as well.

Ms. HARMAN. Mr. Chairman, although I have reservations about some of the priorities reflected in this Homeland Security funding bill, it is important legislation and I intend to support it. But, Mr. Chairman, I understand that the appropriations process is about priorities. That being the case, I'd like to talk about some of the priorities that, in my view, have been overlooked in this legislation.

Like every parent, the first thought that raced through my mind on 9/11 was of my children. Where were they? Were they safe? How could I reach them, or they me? Given the likelihood that an emergency could occur while our kids are at school and parents are at work, teaching age-appropriate skills about how to respond is critical. Growing up during the Cold War, I remember the drills, and sharing what I learned with my parents and younger brother.

Such training is needed today. And there is a program in California, Mr. Chairman, known as FLASH, which is specifically designed as a public school curriculum to teach students, parents and teachers how to prepare and respond in the event of a terrorist attack or natural disaster.

I am very disappointed that the bill does not include modest funding for implementation of a Federal version of FLASH. Surely, a program of such obvious importance should be able to find a home in the Federal Government. I hope that before the end of this Congress, my colleagues will adjust their priorities and fund a Federal pilot-program that mirrors California's FLASH program, along the lines of H.R. \_\_\_\_.

Another priority of America's hometowns is providing our local police, fire and emergency personnel with the tools they need to protect us. One of the most important of those tools is interoperable communications—ensuring the ability of our first responders to communicate with one another. Interoperability is more than a public safety issue. It's a national security issue, and to our first responders it can be an issue of life or death. Thousands of lives are potentially at stake. We have all heard the tragic stories of firefighters who died in the World Trade Center on 9/11 because NYPD helicopters circling overhead could not radio them that the towers were glowing and beginning to collapse.

This bill falls short of meeting America's interoperability needs, providing just \$21 million for programs that help facilitate communications for first responders. I urge my colleagues to at least double funding for first responders in conference, and I hope we will soon be bold enough to overcome opposition to make needed emergency spectrum available by 2006, the date it was promised.

Finally, Mr. Chairman, it is imperative to complete the national threat and vulnerability assessment, required by law and central to creating one integrated strategy for homeland defense. With a real understanding of our security needs and vulnerabilities, based upon a comprehensive assessment, funds would nat-

urally flow to those regions and priorities that provide maximum security to the American people. This bill is necessary, but it could be better. In light of the serious threats we face, we must do better.

Ms. MCCARTHY of Missouri. Mr. Chairman, I commend the members and staff of the Appropriations Committee for their work on the FY 05 Department of Homeland Security Appropriations Act. Securing the resources we need for this country's long term war on terrorism is a formidable task; one we must accomplish in a bipartisan manner. I support the appropriations bill before us today, but I remain concerned with the inadequate levels of funding for first responders, interoperability and port security. The American people depend on homeland security, and we must find the means to provide the resources needed to protect our communities.

As the Ranking Member of the Intelligence and Counterterrorism Subcommittee of the Select Committee on Homeland Security, I support the funding needed by the Department of Homeland Security (DHS) to provide accurate and timely intelligence assessments. Unfortunately, this bill reduces funding for first responder programs at DHS from the current \$4.4 billion funding level to \$4.1 billion, a cut of \$327 million below the 2004 enacted level.

First responders must have the resources they need to do their jobs. My firefighters, police and emergency workers tell me that they have difficulty communicating with each other because of incompatible equipment. This problem affects first responders throughout the country and it is unacceptable. Adequate funds must be available to adequately equip our Nation's first responders.

Missouri has the seventh largest highway system in the Nation and the second and third largest railroad terminals in the Nation. Port and transportation security is crucial to our Nation's economy. Six million cargo containers enter U.S. ports every year, but only about 5 percent of these containers are ever screened. This appropriations bill fails to adequately fund port security and freezes funding for port security grants at the 2004 level of \$124 million.

Mr. OBEY, Ranking Member on the Appropriations Committee, attempted to counter these shortfalls with an amendment to H.R. 4567. Mr. OBEY's amendment would have created a \$3 billion contingent emergency fund for homeland security. Even though this emergency funding would be contingent upon the President requesting it, the amendment was rejected by Republicans on the House Rules Committee. The rejection of Mr. OBEY's amendment prevents a more secure America, and seriously weakens the legislation.

Mr. TURNER, my distinguished colleague and Ranking Member on the Select Committee on Homeland Security, has pointed out that our annual spending on homeland security amounts to less than one half of one percent of our Nations Gross National Produce (GNP). He also points out that since 9/11, we increased spending on the agencies which make up the Department of Homeland Security by approximately \$15 billion. At the same time, our defense budget has increased by approximately \$100 billion. I strongly agree with Mr. TURNER that as we devote resources to winning the war on terror abroad, we must also invest in our homeland security needs here at home.

I urge my colleagues who will reconcile the House Appropriations Act in joint conference

with the Senate to agree to adequate funds for our emergency responders nationwide.

Mr. TOWNS. Mr. Chairman, if I might ask the subcommittee leadership a question related to the public health provisions in the bill.

We are all aware of the blood shortages that call our attention to the fact that the United States does not have sufficient blood supplies to meet the country's normal daily blood needs. What is more alarming, however, is that in this new age of terrorism the United States does not have sufficient blood reserves to meet the critical demand that would occur in the event of an emergency or terrorist attack. As the Homeland Security Appropriations legislation moves forward to a House-Senate conference, it is important that we recognize the need to address this pressing national security issue as well. I would ask that the Committee leadership include language in the final measure that would create a National Blood Reserve, based on the recent recommendations of the Interorganizational Task Force on Domestic Disasters and Acts of Terrorism. The recommendations would strengthen our Nation's blood supply and ensure the health and welfare of our citizens.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, pursuant to House Resolution 675, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 5, not voting 29, as follows:

[Roll No. 275]

YEAS—400

Abercrombie	Bartlett (MD)	Bishop (UT)
Ackerman	Barton (TX)	Blackburn
Aderholt	Bass	Blumenauer
Akin	Beauprez	Blunt
Alexander	Becerra	Bonilla
Allen	Bell	Bonner
Andrews	Berkley	Bono
Baca	Biggert	Boozman
Bachus	Bilirakis	Boswell
Baldwin	Bishop (GA)	Boucher
Barrett (SC)	Bishop (NY)	Boyd



Bradley (NH) Goss  
 Brady (PA) Granger  
 Brady (TX) Graves  
 Brown (OH) Green (TX)  
 Brown (SC) Green (WI)  
 Brown, Corrine Greenwood  
 Brown-Waite, Grijalva  
 Ginny Gutknecht  
 Burgess Hall  
 Burns Harman  
 Burr Harris  
 Burton (IN) Hart  
 Buyer Hastert  
 Calvert Hastings (WA)  
 Camp Hayes  
 Cannon Hayworth  
 Cantor Hefley  
 Capito Hensarling  
 Capps Herger  
 Cardin Herseth  
 Cardoza Hill  
 Carson (IN) Hinchey  
 Carson (OK) Hinojosa  
 Carter Hobson  
 Case Hoeffel  
 Castle Hoekstra  
 Chabot Holden  
 Chandler Holt  
 Chocola Honda  
 Clay Hooley (OR)  
 Clyburn Hostettler  
 Coble Houghton  
 Cole Hoyer  
 Conyers Hulsehof  
 Cooper Hunter  
 Costello Hyde  
 Cox Inslee  
 Cramer Israel  
 Crane Issa  
 Crenshaw Istook  
 Crowley Jackson (IL)  
 Cubin Jackson-Lee  
 Culberson (TX)  
 Cummings Jefferson  
 Cunningham Jenkins  
 Davis (AL) Johnson (CT)  
 Davis (CA) Johnson (IL)  
 Davis (FL) Johnson, E. B.  
 Davis (IL) Johnson, Sam  
 Davis (TN) Jones (NC)  
 Davis, Jo Ann Jones (OH)  
 Davis, Tom Kanjorski  
 Deal (GA) Kaptur  
 DeFazio Keller  
 DeGette Kelly  
 Delahunt Kennedy (MN)  
 DeLauro Kennedy (RI)  
 DeLay Kildee  
 Deutsch Kilpatrick  
 Diaz-Balart, L. Kind  
 Diaz-Balart, M. King (IA)  
 Dicks King (NY)  
 Dingell Kingston  
 Doggett Kirk  
 Dooley (CA) Kleczka  
 Doolittle Kline  
 Doyle Knollenberg  
 Dreier Kolbe  
 Duncan Kucinich  
 Dunn LaHood  
 Edwards Lampson  
 Ehlers Langevin  
 Emerson Lantos  
 Engel Larsen (WA)  
 English Larson (CT)  
 Eshoo Latham  
 Etheridge LaTourette  
 Evans Leach  
 Fattah Lee  
 Feeney Levin  
 Ferguson Lewis (CA)  
 Filner Lewis (GA)  
 Foley Lewis (KY)  
 Forbes Linder  
 Ford LoBiondo  
 Fossella Lofgren  
 Frank (MA) Lowey  
 Franks (AZ) Lucas (KY)  
 Frelinghuysen Lucas (OK)  
 Frost Lynch  
 Gallegly Majette  
 Garrett (NJ) Manzullo  
 Gilchrest Markey  
 Gillmor Marshall  
 Gingrey Matheson  
 Gonzalez Matsui  
 Goode McCarthy (MO)  
 Goodlatte McCarthy (NY)  
 Gordon McCollum

McCotter  
 McCreery  
 McDermott  
 McGovern  
 McHugh  
 McInnis  
 McIntyre  
 McKeon  
 McNulty  
 Meehan  
 Meek (FL)  
 Meeks (NY)  
 Mica  
 Michaud  
 Millender-  
 McDonald  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mollohan  
 Moore  
 Moran (KS)  
 Moran (VA)  
 Murphy  
 Murtha  
 Musgrave  
 Myrick  
 Nadler  
 Napolitano  
 Neal (MA)  
 Nethercutt  
 Neugebauer  
 Ney  
 Northup  
 Norwood  
 Nunes  
 Nussle  
 Oberstar  
 Obey  
 Oliver  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Owens  
 Oxley  
 Pallone  
 Pascrell  
 Pastor  
 Payne  
 Pearce  
 Pelosi  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Pombo  
 Pomeroy  
 Porter  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Rehberg  
 Renzi  
 Reynolds  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryan (KS)  
 Sabo  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schiff  
 Schrock  
 Scott (GA)

Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm

Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Toomey  
 Towns  
 Turner (OH)  
 Turner (TX)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez

Visclosky  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Waters  
 Watson  
 Watt  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

## NAYS—5

Flake  
 Paul  
 Sánchez, Linda T.

## NOT VOTING—29

Baird  
 Baker  
 Ballenger  
 Bereuter  
 Berman  
 Boehlert  
 Boehner  
 Collins  
 DeMint  
 Emanuel  
 Everett  
 Farr  
 Gephardt  
 Gerlach  
 Gibbons  
 Gutierrez  
 Hastings (FL)  
 Isakson  
 John  
 Lipinski  
 Maloney  
 Menendez  
 Quinn  
 Reyes  
 Schakowsky  
 Smith (WA)  
 Thomas  
 Tierney  
 Waxman

## □ 1638

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I want to state that I incorrectly voted "no" on H.R. 4567, the Homeland Security Appropriations Bill. I intended to vote "yes."

## PERSONAL EXPLANATION

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "yes" on the Roybal-Allard amendment (rollcall No. 269), "no" on the Tancredo amendment (rollcall No. 270), "yes" on the Maloney/Rangel amendment (rollcall No. 271), "yes" on the Sabo amendment (rollcall No. 272) and "yes" on final passage of the Homeland Security Appropriations bill (rollcall No. 275).

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on June 18, 2004. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 267, 268, 269, 271, 272, 273, 274, and 275 and "no" on rollcall vote 270.

## PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, on Friday, June 18, 2004, I was not present for the following rollcall votes during debate on the Homeland Security Appropriations Act (H.R. 4567).

Had I been present, I would have voted "yea" for rollcall votes, 270—the Tancredo

amendment and 275—Final Passage of H.R. 4567.

I would have voted "nay" on rollcall votes 267—the Jackson-Lee Amendment, 268—the DeLauro Amendment, 269—the Roybal-Allard Amendment, 271—the Maloney Amendment, 272—the Sabo Amendment, 273—the Markey Amendment and 274—the Velázquez Amendment.

## REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-553) on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REPORT ON H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-554) on the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purposes of requesting of the majority leader information regarding the schedule for the week to come, and I yield to my friend, the gentleman from Texas (Mr. DELAY), the distinguished majority leader, for the purposes of giving us the schedule.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER), the distinguished whip, for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, we expect to consider additional legislation under suspension of the rules. We also plan to consider several bills under a rule: The Fiscal Year 2005 Department of Defense appropriations