

and use them to finance research that they find morally objectionable.

The choice of our time was described millennia ago: See I set before you blessings and curses, life and death. Now choose life that you and your children may live.

I urge my colleagues to stand for the sanctity of life at every level. Stand with President George W. Bush. Reject taxpayer funding of human embryo research.

#### FRIST'S PAST ACTIONS DO NOT SUPPORT TODAY'S WORDS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, it is not in the American people's interest to change Senate rules that assure that all points of view are heard and which have been in place for over 200 years.

Mr. Speaker, today Senator FRIST is prepared to take the extreme action of upending historic Senate rules under the guise that he says all judicial nominees are entitled to an up or down vote.

That is what he is saying today, but he was singing a different tune back when President Clinton was in the White House. Back in 2000, Republican Senators attempted to filibuster two of that administration's appointments to the 9th Circuit. Senator FRIST joined some of his Republican colleagues back then in continuing a filibuster of nominee Richard Paez.

There are also other ways to prevent up or down votes on the floor. They can stall them in committee, and that is what happened to President Clinton's nominees. More than one-third of Clinton's appeals court nominees during the last 4 years of his presidency were never given an up or down vote on the Senate floor.

We did not hear Senator FRIST demanding an up or down vote then, and while Democrats and President Clinton complained about the treatment of Clinton's nominees from Republicans at that time, they never came close to subverting 200 years of historic rules that have been in place to assure majority and minority opinions in that Chamber are heard.

Sometimes, with one party rule, the majority becomes abusive in its use of power. This is just such an instance. The Senate as an institution belongs to the American people, to those who agree with the majority and those who hold minority opinions all have a right to be heard. Under our Constitution and time-tested institutional procedures, let all our people's voices be heard.

#### FEDERAL BUDGET

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

Mr. GINGREY. Mr. Speaker, I rise today to remind my colleagues that we have a responsibility to use restraint in our budget process.

This week, we begin debate on a series of appropriations bills that will fund America's priorities and necessities. We should use this moment to redouble our efforts to ensure Federal money is not wasted on pet projects and underperforming programs.

As President Bush reminded us in his State of the Union address this year, "Taxpayer dollars must be spent wisely, or not at all."

Mr. Speaker, we have two courses of action. First, we must keep non-military discretionary spending in check. Second, we must attack our bloated and often inefficient bureaucracies by eliminating waste, fraud and abuse.

Much of the money in our Federal budget is well spent, but our goal should be for all of the money to be spent wisely.

We have a responsibility to the people of this Nation to use their tax dollars with care. The American family pays too high a price in taxes for our burgeoning Federal Government, and spending restraint will help lower taxes on those who need it most, hard-working Americans.

#### THE SENATE FILIBUSTER

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, today, we may find out whether President Bush and his Congressional colleagues want to turn the Senate into a second House of Representatives, a rubber stamp for a right wing agenda and radical judges.

President Bush wants to pack the Federal courts with the extreme right fringe of this country, putting at risk the rights and liberties this country has fought for and protected for centuries. He wants to create a Supreme Court that will not act as an independent branch but instead wag its tail at every beck and call.

Mr. Speaker, Republican leaders are out of control. Instead of governing and tending to the Nation's business, they are on a quest for absolute power. They are on a mission to trash our Founding Fathers' commitment to the separation of powers and the abhorrence of simple majority rule.

While the Republicans continue their odyssey for absolute power, Democrats are fighting to protect our constitutional checks and balances and to ensure that we remain a Nation ruled by laws and not by men.

#### SENATE LEADERSHIP WANTS AN UP OR DOWN VOTE ON COURT NOMINEES

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

Mr. KINGSTON. Mr. Speaker, as my colleagues know, the United States Senate leadership wants to have an up

or down vote on Supreme Court nominees. Why? Because that is what the Senate should be doing: voting yes, voting no.

We have heard that the President is promoting extreme fringe members of the judiciary for appointments on his court. That being the case, why do the Democrats not have the guts to just go ahead and debate it in public, instead of hiding behind the cloak of committee? It is incumbent protection. Let us bring the votes to the floor.

I want to introduce to my colleagues one of these nominees, Justice Janice Rogers Brown. She was elected with 76 percent of the State-wide vote in California, hardly an extremist if one gets 76 percent of the vote in California. She was born the daughter of a sharecropper in Alabama in 1948 and grew up under Jim Crow laws in the South. She is a self-made woman. She is a fighter. She is a mainstreamer. She deserves an up or down vote.

That is all the Senate majority leader is asking for, asking these very cowardly Democrats to say you know what, if you believe that somebody elected with 76 percent of the vote in California is an extremist, have the guts to put it on the board and vote yes and vote no, but let us see where you stand.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are cautioned to refrain from engaging in personalities with regard to Senators.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 23

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 1817, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1817) to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are

waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Homeland Security, Energy and Commerce, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us today is a fair, structured rule that provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

It provides that in lieu of the amendments recommended by the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the Committee on Rules report shall be considered as the original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the amendment in the nature of a substitute printed in part A of the Committee on Rules report and makes in order only those amendments printed

in part B of the Committee on Rules report.

□ 1030

These amendments may only be offered in the order printed in the report and only by the Member designated in the report. They shall be considered as read, debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or a demand for the division of the question in the House or in the Committee of the Whole.

Finally, this rule waives all points of order against the amendments printed in part B of the Committee on Rules report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying legislation, the first ever Homeland Security authorization legislation. The rule before us today is a fair rule that will allow for consideration of 25 amendments to the legislation, 13 of which are sponsored by a Member of the minority party, 10 by Members of the majority party, and two which enjoy bipartisan sponsorship.

This bill, brought to the floor today by the leadership of my friend, the gentleman from California (Mr. COX), and the ranking member, the gentleman from Mississippi (Mr. THOMPSON), empowers the core mission of the Department of Homeland Security, which is, first, to prevent terrorist attacks within the United States; second, reducing America's vulnerability to terrorism; and, third, responding to and recovering from terrorist attacks if some tragedy does occur.

It accomplishes this necessary and singularly important goal by ensuring that the Department has the resources and the authority it needs to prevent and prepare for terrorist attack, and to respond to and recover from an attack if one does occur.

Through the authorization of over \$34 billion in homeland security spending in 2006, this legislation will ensure that our Nation's highest funding priorities are met. It also includes a number of other legislative and oversight measures to strengthen and improve the safety of Americans here at home, including:

Deploying counterterrorism technologies within 90 days so that Federal, State, local, and private sector officials can prevent domestic terror;

Funding 2,000 additional border patrol agents;

Assessing the effectiveness of operations at the Departments of Customs and Border Protection and Immigration and Customs Enforcement so that spending on these programs is efficient and effective;

Consolidating the current background check system, so that individuals can be prescreened by checking their names and biometric identifiers against terrorist watch lists and other criminal databases;

Adopting risk-based cargo screening, and expanding the number of foreign ports where Customs and Border Patrol agents screen incoming containers from 36 to approximately 50 ports;

Improving information analysis and infrastructure protection recruiting;

Improving nuclear and biological intelligence;

Establishing a one-stop shop within the Department of Homeland Security for reliable, comprehensive, and accessible open-source intelligence information and analysis;

Providing better information to local leaders by requiring that any threats be communicated in a manner that limits confusion and operational conflicts;

Clarifying the color-based threat system so that specific information is given directly to regions, States, localities, and private sector industries;

Creating a National Terrorism Exercise program to coordinate and establish minimum standards for all Federal, State, and local terrorism drills; and

Providing for greater Federal, State, and local homeland operations collaboration that needs to take place.

By providing leadership and guidance on these issues and many others, Chairman COX and his committee have provided this House with a product that I believe is effective in providing for the security of our homeland, which deserves the support of every single Member of this body. I urge my colleagues to support this rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, famed writer and political commentator George Orwell once wrote that "people sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf." That statement should have a special resonance for Americans in today's world.

We are fighting a new kind of war every day here in America. Our struggle against terror is one that requires us to focus our resources inward like no time in our history, because today the battlefields are the streets and sidewalks of this country and not some faraway land.

We have to ensure that our government is prepared to responsibly address any threat that imperils the peace and prosperity of this Nation. Only then will the American people truly sleep peaceably through the night. That is why this Homeland Security authorization bill is critically important, because it represents the blueprint of our homeland defense and our collective peace of mind for many years to come.

With such a weighty mandate, I would like to congratulate the Committee on Homeland Security in putting together their first committee authorization. But I would have wished

today for an open rule, and we are still faced with serious issues of accountability and trust in the management of the Department of Homeland Security. This is in no small part as a result of the Bush administration's unwillingness to fill critical job vacancies at the senior levels of the agency.

In fact, the Department of Homeland Security has had two Secretaries and three Deputy Secretaries in 2 years. Today, 42 percent of the high-level political positions inside the agency are vacant or staffed by people who have already announced their departures. This lack of stability at the Department has impacted the agency's ability to meet its mandate effectively.

For example, in my district, the Peace Bridge, which connects Buffalo to Canada, continues to face obstacles in moving to alleviate traffic congestion. Last December, the United States and Canadian governments agreed to move forward with a shared border management initiative which would remedy the situation. But it has been stalled by endless bureaucracy and lack of accountability at the Department of Homeland Security.

But it is not just a lack of accountability that has plagued the agency. Our country's epic struggle against terror is also a struggle against fear. We recently discovered that the infamous homeland security terror alerts, which were raised so often in the months leading up to the Presidential election, and rarely since, if ever, were repeatedly elevated over the objections of the Homeland Security Secretary and his staff. The terror alerts were raised on what Secretary Ridge himself called "flimsy evidence" by individuals in the administration who were really aggressive about raising it, which shows that they were used for political purposes.

I know I am not the only one who questions why in the 5½ months since election day there has not been a single terror alert. Perhaps Mr. Ridge's comments put the answer in the proper perspective. That constitutes a violation of trust with the American people, and we cannot afford that in this war on terror. We ought not to employ the tactics of fear as a means of control in our pursuit to keep the homeland secure. Such draconian measures are not in keeping with the spirit of America.

It is beneath us as a Nation to have partisan politics injected into our national security apparatus in an ugly and manipulative way. We dare not trade in a currency of fear, but rather should strive to liberate ourselves from fear through awareness of our world and an honest understanding of the challenges which lay before us.

I know many of my colleagues on both sides of the aisle agree on this principle, and I am pleased that the committee has seen fit to include more specific criteria for how the terror alert is and is not to be utilized. Likewise, the appropriation bill passed yesterday by a nearly unanimous vote also included measures that promise to pro-

vide a higher degree of accountability at the agency, accountability that I am sure we all agree is sorely needed.

Despite the serious problems at DHS, which still must be addressed, there is much in this authorization bill that I believe every Member of Congress will support. As a representative from a border State, I am pleased to see that the legislation authorizes \$1.9 billion, enough money to hire 2,000 additional border agents this year, agents sorely needed. This funding would mark a welcome change in the administration's approach to handling border security issues away from an economically disastrous agenda of imposing passport requirements on our citizens who want to cross our northern border and towards a more sensible policy of effective border enforcement, one which maximizes security resources and safeguards the freedoms and options our citizens and our trading partners deserve.

But that would require that the majority had the will to actually spend the border security dollars and not just authorize them. It is, after all, easy to talk tough about securing borders, but we need action. We need a true commitment from this Congress to put more agents in the field. We seem to have an ongoing problem here with leadership when it comes to this issue where reality does not measure up to rhetoric. It is my hope that this time will be different.

The House leadership's decision to include in this rule two amendments of mine suggests there may be room for common ground on the critical border issue after all. Clearly, the most effective tool we have to protect our borders is knowledge. Those of us who represent border economies understand how important the unencumbered flow of commerce across the northern border is to continued economic growth and to prosperity. The NEXUS program, we hope, will reduce the long waits at the border and allow an unprecedented level of security. It will be smart management, and I look forward to the upcoming debate on the amendment.

But there are many others, I know, we would all like to debate here on the floor today; but of 89, only 25 were ruled in order, which is less than 30 percent. And as I have said previously, I do wish this had been an open rule because we need to spend the extra time and we need to allow our colleagues to consider more ideas on how to improve the homeland security. Is that not what democracy is about, debate and deliberation? Our framers thought so, and I think so, and I think most of my colleagues and most Americans think so.

One amendment we will not consider today, which I regret, would have established a much-needed railroad security plan for America, which we do not have. And, incredibly, an amendment which would have required all cargo transported on commercial and pas-

senger airplanes be inspected for explosives was not allowed. How could we not allow a debate on a critical homeland security issue such as this?

My colleagues, the gentleman from Georgia (Mr. BARROW) and the gentleman from Massachusetts (Mr. MARKEY), offered an amendment which would have upgraded security requirements associated with transporting extremely hazardous materials. But, inexplicably, it too was blocked from consideration.

But just as we cannot afford to live in fear in this age of terrorism, we also cannot fear engaging in genuine debate in consideration of those matters which may be controversial for some, but which are clearly important for the safety of all Americans. The free flow of debate and democracy are a hallmark of our American values, which this House was designed to embody. They are the core values which separate us from those who seek to destroy us and our way of life. And here in the cradle of democracy, we diminish those most American of values at our own peril.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to say that it makes me so proud to hear the gentlewoman from New York talk with glowing admiration not only about how important this Homeland Security bill is but about the hard work that went into it and how it became a part of a better product.

Yesterday, the Committee on Rules had an opportunity, virtually all day, to hear testimony from Members across the aisle talk about ideas and thoughts and suggestions that they had that would make this a better bill. The chairman, the gentleman from California, not only listened to them but he worked with the chairman of the Committee on Homeland Security, the gentleman from California (Mr. COX), on perfecting this bill by adding in amendments.

As I mentioned earlier, Mr. Speaker, there are a large number of amendments that were added to this, perfecting the bill, perfecting the process, but more importantly giving an opportunity for Members of this body to make sure, from their own perspective, that Homeland Security became more effective by providing the information that was needed to address their local communities.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I rise in strong support of this rule and the underlying legislation.

We are about to embark on a very new experience for us. We all know that September 11 of 2001 changed our lives forever. We obviously have had to focus for the first time on our homeland security. We know that shortly

after September 11 the President of the United States stepped up to the plate and put into place this now Cabinet-level Department of Homeland Security, but it obviously took a period of time for us as an institution to put together the structure that would allow for adequate oversight.

At the beginning of this Congress, we established a new permanent standing Committee on Homeland Security, and we selected my extraordinarily able colleague, the gentleman from California (Mr. COX), to serve as chairman of the Committee on Homeland Security dealing with jurisdictions that fell within a wide range of other committees.

□ 1045

We had our committee chairmen and ranking members agree to come together on establishing this new Committee on Homeland Security. Obviously the jurisdiction is very far-reaching. It is jurisdiction which focuses on a lot of new things for us. The fact that when we refer to men and women in uniform on the front line, they are no longer just the men and women in our Armed Forces, they are now men and women who wear the uniforms of firefighters and law enforcement officers. We now have, because of the threat, a greater focus on border security. We have focused on ensuring that people who pose a terrorist threat to us are not able to get documents that have been easily fabricated in the past.

Frankly, I will say that we are continuing to work on that, and I urge my colleagues to join in cosponsoring H.R. 98, which will help us produce a counterfeit-proof Social Security card so we can diminish the flow of illegal immigration with the magnet of jobs that draws people across our southern border and instead allow our Border Patrol, which is increased in this authorizing legislation, to focus their attention on criminals and those who pose a terrorist threat to the United States of America.

Now what is it that we have done with this rule and the legislation? With the rule, I am very proud of having had, as the gentleman from Texas (Mr. SESSIONS) so ably said a fair rule, and I am proud of the work he has done. He was a member of the Select Committee on Homeland Security. He was unable to serve on the committee in this Congress because of the exclusivity of the Committee on Rules, but as the gentleman from California (Mr. COX) pointed out, he is serving as the Committee on Rules liaison focusing on these very important new homeland security issues.

One of the things that we can do, as we increase the Border Patrol, if we can pass H.R. 98, which will decrease by 98 percent the flow of illegal immigrants across our southern border, is letting the Border Patrol put their time and energy into trying to diminish the flow of criminals and those who pose a terrorist threat to us. I urge my colleagues to support that effort.

But I would note that the rule which has been put together allows for the consideration of 25 different amendments. We will be having a full 5 hours of debate on this issue, and I am pleased we made in order a Democratic substitute which is 221 pages long, a full substitute which frankly includes many of the amendments that have been proposed by both Republicans and Democrats. A number of those are included in the substitute.

I am also very proud of the fact that we were with the daughter, son-in-law and grandson of our distinguished ranking minority member, the gentlewoman from Rochester, New York (Ms. SLAUGHTER), and we were able to make in order two amendments which the gentlewoman has proposed to the committee.

I will say that of those 25 amendments, 13 of them have been offered by Democrats, made in order, 10 by Republicans, and two are bipartisan amendments with Democrats and Republicans coming together to deal with this issue.

So I will say, I believe we are moving into an extremely important area. We are going to address a wide range of concerns. Yes, there are other concerns that we hope can be addressed. But the mere passage of this legislation, the mere passage of this legislation and moving it to the President's desk will, I believe, help us address a lot of the concerns that some whose amendments were not made in order have been trying to address. I appreciate my colleagues' support in this effort.

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

Mr. MCGOVERN. Mr. Speaker, the Republican leadership in the Committee on Rules have done it again. Once again, they have bent over backwards for big business while putting the safety of the American public at risk.

Last night, on a party-line vote, the Republicans in the Committee on Rules refused to allow the House to consider two important amendments which would have improved safety on airplanes and would have notified the flying public about the safety of the airplanes they fly on. Currently, cargo that is transported on commercial airplanes is not inspected. Even though our passenger luggage is inspected by TSA, the cargo that is transported on those same planes is not inspected. The TSA has not implemented regulations as the law requires them to do to inspect the cargo on these planes, and now the Republican leadership has taken direct action to prevent these inspections.

Yesterday, the gentleman from Massachusetts (Mr. MARKEY) asked that the Committee on Rules make in order an amendment that would have required all cargo to be screened within 3 years. We all go through these metal detectors. We all have to take off our shoes and empty out our pockets. We

do that because we want to be safe. Certainly we should screen all cargo.

Additionally, the gentleman from Connecticut (Mr. SHAYS) offered an amendment that would require TSA to notify passengers flying on a plane carrying uninspected cargo, the rationale being if we are not going to inspect the cargo the flying public should at least have the right to know that they are flying on a plane with uninspected cargo.

Mr. Speaker, I do not think that is too much to ask for, but the Republican leadership in the Committee on Rules decided not to make these amendments in order. They decided not to allow a debate. They decided not to allow a vote. I asked the distinguished chairman of the Committee on Rules why these amendments were not made in order, and all he could say is they decided not to. That is not an answer.

These amendments would make our skies safer. They are no-brainers, and yet the Republicans refuse to even allow us to debate and vote on these amendments. Instead of taking action to protect the American public, the Committee on Rules decided to protect the interest of the airlines and the cargo shippers.

Mr. Speaker, legislation on homeland security should result in a safer public. Unfortunately, the leadership is going in exactly the wrong direction when they denied these two amendments from being made in order.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

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

Mr. SOUDER. Mr. Speaker, I thank the gentleman from California (Chairman DREIER), the gentleman from Texas (Mr. SESSIONS), and the leadership for bringing forth what I believe is a fair rule. One way we are going to tell it is a fair rule is because people who do not like certain amendments being made in order from certain committees will object. This has been a very difficult process, and as the Committee on Rules along with the gentleman from California (Mr. COX), the chairman of our Permanent Select Committee on Homeland Security on which I also serve, this has been an incredibly difficult process from the time this committee has been organized.

The American people want to see action on homeland security. They do not want to hear about Congress' jurisdictional fights, how we believe we have this in this committee and this in this committee, and therefore we are immobilized in Congress. Yet at the same time there are practical reasons, and let me illustrate a few of my own concerns and how I approach this amendment process.

Mr. Speaker, I had four amendments. Two were made in order, and arguably the two most important were not. I

withdrew them in front of the Committee on Rules after talking with the gentleman from California (Mr. COX) and the other relevant committees. It shows the dilemma we face. One of them is to merge the Border Protection Agency and ICE inside Homeland Security. It is a system that is not working. This is not a commentary on the gentleman from Ohio (Mr. BOEHNER), who is doing the best he can with an organizational nightmare as we blend these things together.

But in fact, the challenge here of inland immigration is somewhat a different problem, as is deportation, from the border question as it relates to homeland security. So obviously the gentleman from Wisconsin (Mr. SENBRENNER) has deep concerns, and we have to figure out what is going to be under the Committee on Homeland Security and what is under the Committee on the Judiciary.

Similarly, a second amendment I had on intelligence that is trying to coordinate this proliferation of intelligence agencies, and we seem to create a new one every 6 months, both in Congress and in the administration, one or the other of us, and we are getting all this stovepiping and no coordination which is exactly opposite of what the 9/11 Commission proposed.

I had an amendment to propose consolidating inside Homeland Security. But guess what, the funding for that comes from several different committees. We could have probably worked this out. I want to continue to work on this. It has passed the House, but the question is what falls under the Committee on Homeland Security and what falls under defense and intelligence committees. These things are not easy to work out.

I believe this rule, by allowing 25 amendments, is clearly identifying the direction of the House. This is the primary Committee on Homeland Security. Where it clearly falls under Homeland Security, these amendments need to be in order and this committee needs the authority to address it.

I thank the gentleman from California (Mr. DREIER) and the leadership for letting this expand. Today is a skinny bill. There are other things we could have done, but it is important to set the precedent. Every year we are going to have an authorization bill on Homeland Security, like the other committees, and I am sure that will be spoken to multiple times today. This rule illustrates the difficulty.

Many Members are very frustrated that they did not get their amendments in order. I am frustrated that I did not get two of mine in order, but this is a complicated process. Today is the first step and the Committee on Rules has made an important first step in allowing 25 amendments, many over the objections of people who are objecting to jurisdiction, and keeping enough out that we can keep a coalition together to show the American people we want to move homeland security bills

and this House will not be held up by jurisdictional fights over homeland security. Our goal is to protect the American people and not fight over our committee jurisdictions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this rule. As a ranking member of the Committee on Homeland Security, I strongly believe this base bill is deficient in a number of significant areas.

This 79-page bill fails to address a number of critical aspects of homeland security and does not deliver on the homeland security commitments made in the 9/11 Act. That is why I, like many of my colleagues in the House, felt compelled to submit amendments to the Committee on Rules for this bill. All told, there were 85 amendments offered, many of them from my colleagues on the Committee on Homeland Security.

The rule before us today will allow 24 amendments to be considered by the full House. That is simply wrong. The rule blocks a meaningful debate on important amendments like the one the gentlewoman from New York (Mrs. LOWEY) offered to close a major aviation security gap. It would have required airport workers to be physically screened before accessing planes in restricted areas of airports. The rule also denies consideration of an amendment offered by the gentlewoman from California, (Ms. LORETTA SANCHEZ), the ranking member of the Subcommittee on Economic Security and Infrastructure Protection. It would have closed a major port security gap by requiring validation inspectors for shippers.

This rule also prevents the gentlewoman from the District of Columbia (Ms. NORTON) from presenting her amendment to close gaps in the public transit and rail system. It also denies the House the opportunity to consider amendments offered by the gentleman from Massachusetts (Mr. MARKEY) to improve chemical plant security, develop policies for rerouting hazardous material, and grant DHS whistleblower protections.

Mr. Speaker, I could go on and on listing good amendments that were done so wrong by this rule. But instead, I will close by urging a no vote on this rule.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me this time. I am pleased to speak before the House and also for the record on the rule.

Mr. Speaker, I intend to support the rule, but I think it is very important that at this juncture in proceeding with this important Homeland Security authorization that some things are said and also some items for the record are noted.

The gentleman from New York (Mr. ISRAEL), who I have had the pleasure to work with from the other side of the aisle, crafted legislation which was incorporated into the intelligence reform bills. One of the titles of that bill that the President signed, dealing with the threat and the direction of Congress towards trying to deal with the problem of MANPADS, and that is shoulder-launch missiles, and the threat that they posed.

One of the things that we did was to try to move that project forward. Sometimes in homeland security we spend a lot of money and we do not get a great deal of results. I view, as chairman of the House Subcommittee on Aviation, one of the greatest threats that we face other than a suicide bomber or several of them getting on planes, which they can easily do in our flawed system today, I view the second greatest threat as shoulder-launch missiles.

□ 1100

With the conflict in the world, particularly in the Middle East, thousands of these shoulder-launched missiles have gone on the market. So we worked to, one, curtail the number of shoulder-launched missiles; two, encourage international treaties, develop ground-based systems, and this bill does something towards that.

We started a program several years ago when we saw this threat and we tried to do our best to move forward development of a commercial shoulder-launched missile. This bill unfortunately limits the amount of money that can be spent on moving that program forward. The gentleman from New York (Mr. ISRAEL) had an amendment that was not included here that would relieve that restriction. Yesterday we were wise in appropriating what the administration requested for funding the program, but this authorization is lacking. I would have preferred to have his amendment in here.

My purpose for being here on May 18, 2005 is to remind us that they missed in Kenya an Israeli plane in November 2002 with many passengers. They missed in Iraq in 2003 a DHL plane that also could have been taken down by shoulder-launched missiles.

Ladies and gentlemen of the House, we have been very fortunate so far and we cannot be remiss in making available the best technology to protect the traveling public. Not that we have to hang one of these on every commercial aircraft, but we will be remiss if we do not carry this program that has already started forward. If we miss a lick here, it will be much to our regret. I regret that the gentleman from New York's amendment was not included in this.

I will support this. I look forward to working with the gentleman from California (Mr. COX) and others as they take on the responsibility of protecting not only the homeland but the flying public.

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

Mr. DEFAZIO. Mr. Speaker, I thank my friend from New York for yielding me the time. I also thank the Committee on Rules for making in order an amendment by myself and the gentleman from Florida (Mr. MICA) that will help perfect the Federal flight deck officer program. Many, many pilots are willing to volunteer to undergo rigorous training to certify themselves as Federal flight deck officers to become the last line of defense on our planes. There cannot be an air marshal on every plane. We still do not have secondary barriers in the planes. There are times when the flight deck door is open. There are ongoing threats. It is essential to improve that program and I am hopeful Members will look favorably upon that amendment later today.

With that said, I wish that the rule was more inclusive. My colleague, the ranking Democrat on the Subcommittee on Aviation, wanted to offer an amendment to mandate that the taxes we are collecting from the traveling public to pay for enhanced security at the airports; that is, to put in-line explosives detection systems at airports that do not have it across America to find explosives in checked bags, and possibly that same equipment could be used for cargo on those planes, was not allowed. It is unfortunate.

Most Americans are under the impression that all of their baggage is being screened. It is not being effectively screened. Some of it is being hand searched. Some of it is being trace searched. Some of it is being looked at. Some of it is being loaded on the plane. And some of it is going through very sophisticated in-line explosives detection systems, and we have the numbers. Where those systems exist, we can find threat objects, explosives a very, very high percentage of the time. Where those systems do not exist, there is a very disturbing lack of detection of test objects, threat objects, explosives.

We also have a huge and gaping hole at the passenger checkpoint. The last wakeup call we are probably ever going to get before the day when planes start falling out of the sky was in Russia where two terrorists, women, boarded planes with explosives, we do not know exactly whether they were in their carry-on bags or whether they were wearing suicide belts, but here in the United States of America we are doing nothing to find suicide belts or explosives in bags. We are still using 1980s technology at the checkpoints, technology that was thrown out of the United States Capitol more than a decade ago as inadequate to the threat, thrown out of the White House and other places. Yet aviation was attacked and aviation in Russia was attacked by what I think, as does the chairman of the committee, is the most likely future threat, which is explosives. We need to move ahead with more robust acquisition of that equipment in the near future and this bill does not mandate that.

I would congratulate the gentleman from California (Mr. COX) for the first ever authorization. It is a good first start. Remember, the Homeland Security Department started out of chaos. The President refused to create a homeland security Cabinet-level position or department until one day when an FBI agent was spilling her guts here in Washington, D.C., to a committee and Karl Rove wrote out the plan on the back of a napkin. Congress is just starting to make sense of what the Department of Homeland Security will be in the future.

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

We have had a number of our colleagues make observations, just as the gentleman from Oregon did, about the importance of not only the debate that takes place here in the House but also about our desire to make homeland security even better, more robust, more dynamic, aiming at the threat. We heard the gentleman from California (Mr. DREIER) talk very eloquently about the need for border control, for us to make sure that those people who might be terrorists or may be criminals entering this country.

I am sure we will hear a debate about cargo, cargo ships, thousands of containers that come to this country every day, the commerce of this country that is affected. We know that we talked yesterday in the Committee on Rules about the Canadian border and how the Canadian border needs the attention that they not only deserve but also with the flow of goods and services with the economies that are affected and products and services that are denied when the backlogs occur. Each of these has been a part of the arguments, the debates, the discussions that the gentleman from California (Mr. COX) has taken into account, has made sure that he has taken them to the Homeland Security Department, has spoken with the administration.

It just makes me very proud today to see our Members who are able to cogently come up with not only good answers and better decision-making processes but an abiding faith in what we are doing here today. I am proud that this debate, some 5 hours of debate that will take place today about this very important subject where Members of Congress are able to come down and really identify their specific suggestions that they have. I think this process works. I think the Committee on Rules was wise in what it did. I think the gentleman from California knew when he put together this rule with our leadership what it would look like. It is working today.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I have every intention of supporting today's homeland security authorization bill, but I think this bill could be dramati-

cally improved, especially regarding the rail safety standards that apply to the shipment of extremely hazardous materials in local communities all across our Nation.

Three days after I took office this year, an early morning train carrying three rail cars filled with chlorine gas slammed into a parked rail car in the town of Graniteville, South Carolina. This produced a toxic cloud of chlorine and sodium hydroxide that forced 5,400 local residents to flee for their lives. In all, over 240 people were sickened by the gas and 10 people died because of the accident. The long-term effects of the leak are still unknown and the cleanup process continues to this day.

Mr. Speaker, what happened in Graniteville was not an isolated incident. Train accidents occur frequently in the United States. Rail cars carrying hazardous, flammable or explosive materials not only pose a major health risk to the communities they travel through, they are vulnerable security threats to our Nation's homeland security efforts. These are would-be terrorist targets begging for attention.

Since the Graniteville incident, I have met with a number of safety experts, and I guarantee that if any Members of this Congress were to sit down with these representatives they would be shocked to learn how many commonsense safeguards are out there that have not been implemented to address rail safety in this country. It is time to do more to improve rail security measures.

The current safeguards for the transportation of hazardous materials are nowhere near what they need to be. That is not just a health concern for our local communities, it is a security concern for our entire Nation.

The amendment that the gentleman from Massachusetts (Mr. MARKEY) and I offered yesterday helps close this gap in rail security measures. It provides hazardous material training for local first responders. It implements coordination and communication plans in the event of an accident or an attack, it develops new technology to make rail cars more resistant to punctures and, most importantly, it requires prenotification for local law enforcement whenever hazardous materials are being shipped through their communities.

These safety standards are long overdue and they deserve a vote on the House floor. Local leaders and the American people should not have to beg for sound safety measures and they should not have to wait for a debate on the issue.

Mr. SESSIONS. Mr. Speaker, we spoke earlier about how Members provided information back and forth not only to the gentleman from California (Mr. COX) and the Homeland Security Department but also about how we were able to have a Committee on Rules meeting yesterday with thoughtful ideas that were presented yesterday. Our next speaker was a part of

those thoughtful ideas. He not only sat through hours of testimony, quizzing Members about their questions and comments, things that would make things better, but also a few ideas himself.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, one of the most important responsibilities of this Congress is to defend and protect our Nation from external and internal terrorist threats. Some of the vital features of H.R. 1817, the Homeland Security Authorization Act, include funding to train and prepare first responders, improvements in cyber security, improvements in container security and enhanced border security. The Homeland Security Authorization Act will authorize funding for 2,000 new Border Patrol agents and it requires the Secretary of the Department of Homeland Security to develop a plan to coordinate and address duplication problems between the Customs and Border Protection agency and the Immigration Customs Enforcement agency.

Most importantly, I am pleased the rule we passed last night allows the gentleman from Georgia (Mr. NORWOOD) to have his amendment made in order. The Norwood amendment, among other provisions, clarifies that State and local law enforcement agencies have the right and the authority to enforce our immigration laws. Illegal immigration has become a threat to the security of many of our communities, even those not along our borders. The problem of illegal immigration has grown in part because local and State authorities have been uncertain of the jurisdiction regarding the apprehension, detention and deportation of illegal aliens. Sheriffs departments throughout my congressional district have been burdened with unnecessary expenses in detaining and housing illegal alien criminals prior to ICE involvement. The gentleman from Georgia (Mr. NORWOOD) has introduced his amendment to clarify the boundaries of jurisdiction regarding the enforcement of Federal immigration laws and provides for a training manual to aid in this effort. I believe that when an officer or deputy swears an oath to enforce the law, they should enforce all the laws, both State and Federal.

Mr. Speaker, immigration enforcement is critical for securing our Nation from terrorists. A porous border that allows terrorists and the enemies of this Nation to pass through undetected is unacceptable.

Mr. Speaker, I encourage passage of this rule, passage of the Norwood amendment, and passage of the underlying bill to strengthen our borders and protect our homeland from another attack.

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

Mr. MARKEY. Mr. Speaker, under cover of darkness and hidden from public view, the Republican-controlled Committee on Rules cooked up an unwise, unfair and ill-considered rule that shuts out dozens of Democratic amendments designed to close dangerous homeland security loopholes that put the American public at risk. For example, one of the amendments would have been one made by the gentleman from Connecticut (Mr. SHAYS) and myself which would have ensured that all cargo which is placed upon passenger planes in the United States was screened, so when the people in this gallery and people around the country step on planes they have to take off their shoes, their bags go through, they are screened, their bags are put in the belly of the plane, they are screened, but the cargo, the cargo, which is placed on the very same plane, is not screened.

The people on the plane are accompanying their bags. The people who are sending cargo are not on the plane. Al Qaeda is like water. It looks for the least resistance. That on a plane is where the least resistance is, in the cargo bay. We should not put Americans on planes where the cargo has not been screened knowing that al Qaeda continues to place civilian aircraft at the top of their terrorist target list.

It is wrong for the Republicans not to have a debate about this incredible, glaring vulnerability in passenger aircraft as hundreds of millions of Americans put their families on planes, especially as we are nearing the fourth anniversary of 9/11.

□ 1115

Another amendment, one dealing with the hundreds of thousands of shipments of extremely hazardous materials which go through the cities and towns of the United States every single year. This is a photograph of one of those hazardous material shipments within a couple of blocks of the Capitol. The Republicans would not put in order an amendment that would ensure that a rule-making by the Federal Government would be put in place in order to make sure that we would increase the security for the shipment of these hazardous materials through the cities and towns of the United States of America.

The gentleman from Georgia (Mr. BARROW) and I made a request to the Committee on Rules, let us debate it out here on the House floor, let us debate if we want to put any additional security protections on something, which, for all intents and purposes, has no security around it as it goes through the cities and towns of the United States. What a target for al Qaeda this would be.

But the Republicans say no debate on that. No debate on putting cargo into the bay of passenger planes that people fly every single day across America after they have taken off their shoes.

Mr. Speaker, this is wrong. The Republican Party is putting a gag on de-

bate on the most important issues that face the security of America and attacks by al Qaeda on our country. And this issue, especially the issue of cargo on planes, is an absolute reprehensible neglect of the responsibility that Congress has for the flying American public.

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

Mr. Speaker, as the gentleman has noted, there will be 5 hours of debate today. There will be a Democrat substitute that will be included, some 200-plus pages that will allow not only full debate under these 5 hours but an opportunity for Members to come down, just as the gentleman from Massachusetts has done, to provide each Member with information about how important this bill is. And I am really proud of the time that we have. The Committee on Rules did a great job.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

I know we all have strong feelings about a lot of things, and sometimes someone could say we may not be right but we are never in doubt.

I want to say I am not in doubt on this issue, and I think I am right. I think it is an outrage that we do not inspect the cargo that is in the belly of a passenger aircraft. And I think it is an outrage, frankly, that the gentleman from Massachusetts' (Mr. MARKEY) amendment was not made in order so we could at least debate this. If one disagrees with the issue, that is one thing. But not to even allow for a debate and have the American people begin to understand the evolution that has taken place is unfortunate.

First, we started to inspect the carry-on luggage, and Americans thought we must be checking baggage on the belly of an aircraft. I did, until the gentleman from Washington (Mr. INSLEE) came to me and said we are not, do I want to sponsor an amendment. And we worked on an amendment, and we put and got in the bill a few years ago that there had to be deadlines for eventually inspecting all baggage that went in the belly of an aircraft. We had a deadline and we finally did it. So then I was thinking, well, we have done our job.

And the gentleman from Massachusetts (Mr. MARKEY) informs me, and I did not know it, that 22 percent of what is in the belly of an aircraft is cargo uninspected. Uninspected, and yet we are not willing to have a debate about this.

I think it is amazing, and I think it is wrong; and I think if the public knew it, they would be outraged. If the argument is that we do not have the technology, which we do, or we do not have enough of the technology, which is right, we allowed under the gentleman from Massachusetts' (Mr. MARKEY) amendment for a 3-year phase-in: 35 percent the first year, 65 in the second,

and then 100 percent in the third year. But if one still did not want to vote for that bill, we asked for another amendment to be made in order. The amendment was quite simple. It simply said to tell the passenger that the cargo on this plane has not been inspected. Even that amendment was not made in order.

Vote against it if one does not like it. But to not even allow a debate on the floor of the House about this issue?

I had a constituent who was on Pan Am 103. I got the call at 11 in the morning that said she thinks her daughter was on this aircraft but 30 kids were not, 30 people were not; and she hoped and prayed her daughter was one who could not get on it. I was at her home that evening about 11:30 that night when she got the call that said her daughter was on that plane. Admittedly, that was baggage. But if we now inspect the carry-on baggage and we inspect the baggage that is given at the ticket counter, what are terrorists going to do? They are just going to link it up with cargo and blow up a plane, a passenger plane, because the cargo has not been inspected.

I really believe we need this amendment. I salute both sides of the aisle for this bill. I salute the Committee on Rules for allowing for 25 amendments. But this is an amendment that should have been allowed.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to this restrictive rule which does not make in order several key amendments that could go a long way to enhancing our security efforts and addressing serious vulnerabilities. Case in point: the cargo security amendment offered by the gentleman from Massachusetts (Mr. MARKEY) and just spoken of by the gentleman from Connecticut (Mr. SHAYS).

That being said, today we will consider H.R. 1817, the first ever authorization measure for the Department of Homeland Security. I want to congratulate the gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for bringing this important bill on the floor. I am proud to serve with them on the Committee on Homeland Security.

While it is not as far reaching as many of us had hoped, H.R. 1817 takes several critical steps in improving our Nation's security and preparedness. It authorizes sufficient funding to hire an additional 2,000 border patrol agents, which will help us meet the goal of 10,000 new agents over 5 years set forth in last year's intelligence reform bill. The measure also streamlines the background check system for those working in sensitive positions, creates an Assistant Secretary for Cybersecurity, and requires reform of

the homeland security alert system so that more specific and targeted information can be provided to those who need it.

Finally, this bill will improve our intelligence and information capabilities by allowing new recruiting tools to attract the best-qualified analysts and mandating increased coordination in the dissemination of threat information to State, local, and private sector officials.

But this bill could have gone further. While I understand the jurisdictional constraints facing the gentleman from California (Chairman COX), I firmly believe that a DHS authorization bill should include critical components like port security, nuclear and chemical facility security, bioterrorism preparedness, communications interoperability, and rail and transit security. That is why I will be supporting a substitute amendment offered later today by the gentleman from Mississippi (Mr. THOMPSON), ranking member. This comprehensive amendment takes the right approach to homeland security needs that still face our country.

In closing, Mr. Speaker, let me again thank the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for their hard work on this legislation. It is not a perfect bill, but it is indeed an important and significant first step.

Mr. SESSIONS. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much thank the gentlewoman from New York for yielding me this time.

I must say I am grateful for small favors. This is, after all, the first authorization bill, almost 4 years after 9/11. But for that, the credit is due to the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), ranking member, for working collaboratively and, in doing so, establishing the jurisdiction of our committee and their jurisdiction over the Department. These are not small matters.

I am grateful as well that an amendment of mine on rail safety is in the bill. It is so basic that it does tell us a lot about my disappointment that this bill simply does not address rail safety even though that is where the people are. I do have report language in the bill, and the gentleman from California (Chairman COX) worked hard to make sure that he got as much in the bill as he could. However, he was under powerful constraints. We were noticed that no amendment that, in fact, called for authorization of a single dollar extra would be allowed in the bill. We have just heard about the problem four blocks from the Capitol with hazardous substances going by and the embarrassment that I think the Congress should

feel that there has been no administrative action to do anything about it, and so there was a lawsuit actually won at the first level because of the danger posed when Congress does not act and local jurisdictions stepped forward.

We do have to get to work, and if Members do not believe me, remember last Wednesday in the rush from the Capitol. It was not a comedy of errors. Indeed, it was not very funny because these were not mistakes. What we had were huge questions opened up. Not everything was done that should have been done in the first place. Do we know why the plane came so close, why the President was not informed, why the District of Columbia was not informed even though there was a sergeant sitting right there in the Department of Homeland Security? Above all, why were we not in the basement of the Capitol rather than out on the streets when there was such a small plane involved and we were probably in greater danger on evacuation.

Lots of work. Let us begin to do it today.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my distinguished friend from New York for yielding me this time.

Mr. Speaker, I rise against this rule. I am very disappointed that my bipartisan amendment to restore funding for shoulder-fired missile protections was not permitted by this rule. The President of the United States requested \$110 million for shoulder-fired missile research and development. The bill that we are going to vote on later today reduces it to \$10 million.

Over the past several years, the gentleman from Florida (Mr. MICA), Republican chairman of the Aviation Subcommittee, and I have been working on this issue. But it is not just the gentleman from Florida (Mr. MICA) and I. It is the State Department which released a report saying that shoulder-fired missiles are the leading cause of loss of life in commercial aviation around the world.

They were used in December of 2003 against an Israeli jetliner in Kenya. They were used a year later against a DHL carrier. We now know that the Internet is teaching terrorists how to buy shoulder-fired missiles, set them up, and fire them. There are hundreds of thousands of these systems available around the world in the hands of 27 separate terrorist groups including al Qaeda. Everyone who has studied this issue, the President, the Department of Homeland Security, the State Department, the FBI, the CIA, the Aviation Subcommittee, the Committee on Appropriations, agrees that this threat needs to be addressed. And what does this bill do? Ignores the threat.

If a single shoulder-fired missile is fired at an American aircraft, Mr. Speaker, we are not going to be worried about \$115 million in this bill. We

are going to be worried about the end of the aviation industry as we know it and devastating consequences to our economy and the American people will look at what we did on this floor today and ask why we turned our backs on the President's request, the State Department's urgency, the Committee on Appropriations, the Aviation Subcommittee, Republicans and Democrats, and, most importantly, the flying public.

Mr. Speaker, I oppose this rule. This was a commonsense bipartisan amendment. I will vote for the bill, but I am hopeful that we can work together on the basis of common sense and proceed to protect the American flying public.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me this time this morning.

Mr. Speaker, each Member of this House knows that when we go on vacation, one of the first things that we want to do is get a map so that we know where we are going and know the stops we are going to make and have a general idea of what is facing us on this vacation.

Mr. Speaker, several members of the Law Enforcement Caucus were discussing the issues of border security because we know we have been talking a lot about securing our borders.

□ 1130

Well, yesterday, my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentleman from Texas (Mr. ORTIZ), and myself offered an amendment at the Committee on Rules that would have required the Department of Homeland Security to develop and begin to carry out a comprehensive, long-term border strategy to secure this Nation's borders. The amendment would have expanded what is already in place, called the "American Shield Initiative," to ensure that every inch of the borders is monitored at all times, either through technology or resources. Unfortunately, the Committee on Rules voted against making this amendment in order on a straight party-line vote.

So when we talk about common sense, I stand here this morning wondering what in the world are we thinking when we do not want to have an amendment like this that gives us a long-term strategy for knowing what this Congress needs to do to reinforce and secure this Nation's border.

We all know that since 9/11, we have acknowledged that we need to increase the number of Border Patrol agents and immigration inspectors and, but Congress literally has been picking figures seemingly out of thin air as we go through wanting to secure the border. Instead, we should require a staffing assessment so we go through to determine what personnel resources we need to get the job done right. Our amendment would have required such an as-

essment for personnel, for technology, and for infrastructure needs.

Balancing this Nation's border security has to go hand-in-hand with having a strategy. We do not have that kind of strategy. This amendment would have given us this strategy. Regrettably, it was not made in order.

Mr. Speaker, I often wonder if common sense and Congress have anything in common.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be asking Members to oppose the previous question and, if it is defeated, I will amend the rules so that we can consider the amendment offered by the gentleman from Georgia (Mr. BARROW) and the gentleman from Massachusetts (Mr. MARKEY) rejected by the Committee on Rules last night.

Mr. Speaker, the Barrow-Markey amendment would direct the Department of Homeland Security to promulgate regulations upgrading the security associated with transporting extremely hazardous materials such as chlorine, which is toxic by inhalation, and those materials that are flammable or explosive.

Mr. Speaker, extremely hazardous materials are transported through virtually every community in the Nation. Several serious incidents have taken place that have clearly demonstrated the threat that exists whenever they are involved. I am disappointed that the Republican leadership failed to include this important amendment, an issue that needs to be addressed sooner rather than later. But, unfortunately, under the rule, unless we defeat the previous question, we will not be able to.

As always, I want to emphasize that a no vote on the previous question will not prevent us from considering the Homeland Security bill, but will allow Members to vote on the Barrow-Markey amendment. However, a yes vote will prevent us from doing so.

At this point, Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote, and request a no vote on the previous question.

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

There was no objection.

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

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

Mr. Speaker, today we have had a great debate. A few people showed up and expressed some concern about what they had, and I would like to address that so that the Members are aware. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Georgia (Mr. BARROW) did come before the Committee on Rules. The Committee on Rules did not put it in the bill, but it is not in the Democrat substitute either, so the Democrat

leadership chose not to include that in their substitute.

We also had some discussion about air cargo. For those Members who are interested, air cargo will be in the substitute; it will be in section 519. Republicans addressed the issue. We have doubled the number of air cargo inspectors that would be at the airports to make sure that we are looking at the cargo.

Today has been a good debate, an opportunity for Members to come forth and speak about the important things about this bill. The gentleman from California (Mr. COX) has our admiration. He has done a great job. The Committee on Rules I believe did a fair job. I would also at this time like to thank the White House and the liaisons that the White House provided to us, Brian Conklin for his great leadership, Chris Frech for his hard work with us, and certainly their superstar at the White House, Elan Elinjg, who took time to make sure that Members were updated, not only about the position of the administration, but about how they could work closely with Members of Congress.

So I think today has been another successful opportunity for us to begin the 5 hours of debate that will take place today where every Member will have an opportunity to come down and express themselves and where we will have a Democrat substitute that will be over 200 pages where they are able to express the things which they believe are best. Members of Congress will be able to vote and a decision can be made today. Mr. Speaker, I am proud of this process.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the structured rule only insofar as it restricts both the number of amendments made in order and the time allowed for debate of such a grave piece of legislation. The restrictive nature of H. Res. 283 will deprive the American people of debate over the aspects of the proposed legislation that affects them the most.

H.R. 1817 is the first authorization measure since the passage of the Homeland Security Act of 2003. Ruling only a quarter of the 80 amendments offered at the Committee on Rules meeting does not measure well with the action that the appropriators have taken to hold the Department of Homeland Security (DHS) accountable for its unfulfilled reporting requirements. The appropriators withheld over \$700 million from DHS due to these requirements; therefore, our passage of the most comprehensive and representative measure possible would equate to having conducted "due diligence" on our part.

Just yesterday, we in the House passed the Appropriations Act for FY 2006, H.R. 2360, by a margin of 424-1. An open rule for debate on the authorization measure would have continued the spirit of true bi-partisanship. I joined my committee colleagues in considering this bill from its incipency as it passed in both the Committees on Homeland Security on April 28, 2005 and Judiciary on May 12, 2005 unanimously by voice vote. Today, the Committee of the Whole will make history by passing its first Homeland Security Authorization

measure, and I support an expedient but prudent completion of this endeavor.

During the 13-hour Homeland Security Committee markup session that ended at 11:15 p.m., I was able to secure sincere commitments from the Majority Leadership to work with me for inclusion of some of my major initiatives: funding and more clearly defining the Citizen Corps and the Citizen Corps Councils—which will include consideration of a stand-alone bill that I will introduce shortly; and increasing capacity for Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Institutions in Homeland Security procurement and in employment with the Department of Homeland Security. In addition, I was fortunate to have had my amendment, co-sponsored by the Gentlelady from California, Ms. LOFGREN, that seeks to authorize the funding of programs for the education of minorities in the areas of cyberscience, research, and development to close the gap in achievement in those areas and to make America better equipped to fight terrorism overall. Furthermore, I achieved an agreement from the Majority Committee Leadership to collaborate on addressing the issue of border violence, an initiative that the distinguished Chairman of the Appropriations Subcommittee on Homeland Security showed his commitment to addressing, as evidenced by his support for an amendment that I offered yesterday during the House's consideration of the appropriations measure, H.R. 2360. Not only do I hope to see this language survive the deliberations of the Conferees, but I hope to see follow-through by the Homeland Security Committee with the bi-partisan letter and with consideration of the amendment that I plan to offer during our consideration of H.R. 1817.

Mr. Speaker, what the House has done this week and will do today will establish the breadth and efficacy of the entire Department of Homeland Security. I hope that my colleagues will keep that in mind as we work to debate the amendments that have been made in order.

Mrs. MALONEY. Mr. Speaker, I rise to ask my colleagues to defeat the previous question so we can change this restrictive rule.

Yesterday I appeared before the Rules Committee to offer three amendments. All were blocked by the Rules Committee from even the opportunity to be debated on the floor. The Rules Committee also blocked an amendment by Congressmen MARKEY and SHAYS that would have required 100 percent check of cargo on commercial airlines. This restrictive rule also blocked 60 other amendments, forty-seven of which were Democratic amendments.

It is amazing to me that the majority would deny us even the opportunity to debate what we feel is important to the American people. What the rules committee did last night was deny us the opportunity to address the health needs of the heroes of 9/11.

One of my amendments was modeled after the Remember 9/11 Health Act. This is a bill that would provide medical monitoring and treatment for individuals who are sick or injured as a direct result of the attacks of 9/11.

Right now we have a 6,000-person waiting list just to be a part of this medical screening. For the 12,000 who have been screened, about 50 percent of them are still sick as a direct result of 9/11. Despite clear evidence that we have thousands sick, we have yet to pro-

vide a single dollar for treatment. This is unethical.

These are men and women who were there for us on 9/11 and now we have turned a cold shoulder to them in their time of need. We have precedent for caring for volunteers who get sick. When a volunteer firefighter becomes sick or injured while fighting a forest fire, he or she immediately receives all the Federal health monitoring and treatment he or she needs. If we can do it for volunteers for one disaster, we need to do it for volunteers from 9/11.

Unfortunately the Rules Committee did not see it this way, because they would not even give us the opportunity to debate this on the floor today.

The next amendment I wanted to offer was written by a Republican, Senator VOINOVICH of Ohio, and passed the Senate by unanimous consent. It is modeled after the Disaster Area Health and Environmental Monitoring Act, H.R. 5329 in the 108th Congress.

The amendment realizes that there are times when the health of first responders is at risk, such as during the response to 9/11, and with a Presidential declaration, would establish environmental and health monitoring. This amendment would send a message to future responders that if you risk your life in responding to a disaster, we will be there for you if you get sick. This amendment would not have cost us anything. It would just be good planning.

The final amendment I wanted to offer would give teeth to the Civil Liberty Board established by the Intelligence Reform Act. This amendment is modeled after H.R. 1310, the Protection of Civil Liberties Act. This Amendment would create the board as an independent entity and provide it with subpoena power, among other things.

The only way we will have a robust protection of our civil liberties is to have a robust civil liberties board. All we have right now is a weak board that does not even have a single member appointed.

By not allowing these and many other amendments, we are restricting the ability of this House to do the business of the American people. We have thousands who are sick from 9/11 who need our help, but this Rule will not let their needs be heard.

Mr. MORAN of Virginia. Mr. Speaker, I congratulate the Chairman of the Homeland Security Committee for his success last week on legislation to improve the first responder grant program and again today for bringing bipartisan consensus legislation to the House floor.

He has crafted a good bill that deserves our support. As good as the bill is, however, I must rise in opposition to the rule. I am troubled that my colleagues Mr. BARROW and Mr. MARKEY and Mr. OBERSTAR were blocked from offering their amendments concerning rail safety to this important legislation.

If there is one lesson we should learn from the events of 9/11, it is that our enemies are fighting an unconventional war against us.

With a few zealots and even fewer resources, terrorists can manipulate our own resources and use them against us. On 9/11 aviation fuel and four commercial aircraft were turned into missiles carrying incendiary explosives.

Hardening the cockpit door, establishing new protocols to screen passengers, and a number of other measures are a prudent re-

sponse to deny terrorists the use of commercial aircraft as a weapon.

I am afraid, however, that we are not being as proactive as we could or should be at preventing other commercial resources from being used as weapons that could be turned against us.

Representatives BARROW, MARKEY, and OBERSTAR have crafted thoughtful responses to a threat that has not been fully addressed: Rail security and the transportation of hazardous cargo on our rail system. It would be a national tragedy if we had to wait until another attack similar to Madrid to occur in the United States in order to commit the resources necessary to properly secure our rail and transit systems.

The measures needed to address transit security differ from aviation, but this should not be used as a justification for not providing an infusion of additional funds to address already identified high priority needs. The focus with aviation is strictly on deterrence: stopping an event from happening.

For transit and rail, deterrence is only one part of the strategy, additional resources are also needed to mitigate the impact of a potential terrorist attack and hasten the recovery after an attack. Allocating additional resources towards improving response and recovery times can save lives and lessen the economic consequences of an attack.

With the Madrid bombing, the bombs went off on multiple trains over a 10-15 minute period. Enhanced detection capabilities, communications equipment and redundancy in critical operating control functions could allow for a quicker shutdown and evacuation of a passenger rail transit system exposed to multiple attacks thereby significantly reducing the casualty rate.

Transit and rail systems cannot afford to be shut down for months or even weeks following a biological attack. The economic consequences to a major metropolitan region would be devastating, not to mention the impact on the Federal Government if an attack occurred in Washington, DC. Yet, no funds have been allocated to perform a comprehensive decontamination demonstration project in a transit or rail environment.

Mr. Chairman, a 30-ton chlorine tank rail car, if ruptured, could kill thousands of people unfortunate enough to be within a few miles downwind of the attack. The railroad industry has a good safety record, but that ignores the fact that those safeguards do not assume someone is purposely trying to rupture these rail cars.

Local emergency responders in urban areas with potential targets of key infrastructure and national icons understand this threat, but are limited on what they can do to prevent an attack. Should they patrol hundreds of miles of track and rail yards or take some measures under some circumstances to reroute hazardous traffic around what we know are high probability targets?

Today, there still is no clear understanding of what hazardous material security plans have been developed. If they exist, they are not being shared or discussed with the very people, local officials and emergency response planners, who have the best information on the local geography, vulnerabilities and potential set of targets. Today, local officials are being told by the railroads and the Department of Homeland Security to "trust us." I get

nervous when someone I don't know tells me to "trust" them.

The laws on the books today did not envision hazardous cargo as a weapon of mass destruction, and under current law interstate commerce trumps local ordinances to suspend or redirect hazardous cargo.

This presumption is now being tested in the courts. Congress should not defer to the courts on this important and weighty issue. I think we can craft a responsible resolution, but denying an important floor debate on this issue is wrong.

I urge my colleagues to defeat this rule.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the rule on H.R. 1817, the Homeland Security Authorization Act for FY2006. Republicans on the Rules Committee blocked the consideration of several amendments offered by me and my colleagues to this bill. This body should have the right to discuss and to consider each amendment.

One of the amendments blocked was the amendment I offered which would put passenger security fees into two funds that will guarantee that TSA will spend the authorized amounts of \$650 million a year and \$250 million for the installation of inline baggage screening systems and passenger checkpoint explosive detection, respectively.

We are currently collecting over \$1.5 billion a year from the passenger security fee for aviation security services. Given that these security investments are financed by the existing passenger security fee, the Congressional Budget Office has determined that the increased investment does not increase the size of the deficit.

In April, the Department of Homeland Security Inspector General (DHSIG) and the Government Accountability Office (GAO) both released reports that indicate that our airport screening system still needs improvement. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need. Without a significant investment and commitment by Congress and this Administration to upgrade our technology, our screening system will continue to fail. We must and can do better.

Last year, the 9/11 Commission specifically recommended that the TSA and the Congress improve the ability of screenings checkpoints to detect explosives on passengers. The Intelligence Reform and Terrorism Prevention Act (P.L. 108-458) authorized \$250 million for the research and deployment of advanced passenger screening technologies, such as trace portals and backscatter x-ray systems.

To date, only about \$30 million has been appropriated specifically for the passenger screener technologies. The recent DHS IG report clearly stated that the "lack of improvements since our last audit indicates that significant improvement in performance may not be possible without greater use of technology." Further, the TSA concurred with the 9/11 Commission recommendation that we must "expedite the installation of advanced (in-line) baggage screening equipment."

In addition, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

The TSA and airport operators rely on commitments in letters of intent (LOIs) as their

principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued eight LOIs to cover the costs of installing systems at 9 airports for a total cost to the Federal Government of \$957.1 million over 4 years. The GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received LOI funding could save the Federal Government \$1.3 billion over 7 years.

TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over one year. In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports.

Yet, the TSA has stated that it currently does not have sufficient resources in its budget to fund any additional LOIs. While \$650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

We know what needs to be done to improve screener performance, and we must take action now. We must demonstrate leadership and deploy technologies that will keep the American public secure. Mr. Chairman, I ask my colleagues to vote no on the rule so we can work to deploy technologies that will help our screeners do their jobs and keep the American traveling public safe.

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

PREVIOUS QUESTION STATEMENT ON H. RES. 283—RULE FOR H.R. 1817, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT OF FISCAL YEAR 2006

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 1 in the report of the Committee on Rules if offered by Representative Barrow of Georgia or Representative Markey of Massachusetts or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 1817 OFFERED BY MR. BARROW OF GEORGIA AND MR. MARKEY OF MASSACHUSETTS

At the end of title V of the bill, insert the following (and conform the table of contents of the bill accordingly):

**SEC. 509. EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY.**

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal, State, and local government entities, security experts, representatives of the hazardous materials shipping industry and labor unions representing persons who work in the hazardous materials shipping industry, and other interested persons, shall issue, after notice and opportunity for public comment, regulations concerning the shipping of extremely hazardous materials.

(2) PURPOSES OF REGULATIONS.—The regulations shall be consistent, to the extent the Secretary determines appropriate, with and not duplicative of other Federal regulations and international agreements relating to the shipping of extremely hazardous materials and shall require—

(A) physical security measures for such shipments, such as the use of passive secondary containment of tanker valves and other technologies to ensure the physical integrity of pressurized tank cars used to transport extremely hazardous materials, additional security force personnel, and surveillance technologies and barriers;

(B) concerned Federal, State, and local law enforcement authorities (including, if applicable, transit, railroad, or port authority police agencies) to be informed before an extremely hazardous material is transported within, through, or near an area of concern;

(C) the creation of terrorism response plans for shipments of extremely hazardous materials;

(D) the use of currently available technologies and systems to ensure effective and immediate communication between transporters of extremely hazardous materials and all entities charged with responding to acts of terrorism involving shipments of extremely hazardous materials;

(E) comprehensive and appropriate training in the area of extremely hazardous materials transportation security for all individuals who transport, load, unload, or are otherwise involved in the shipping of extremely hazardous materials or who would respond to an accident or incident involving a shipment of extremely hazardous material or would have to repair transportation equipment and facilities in the event of such an accident or incident; and

(F) for the transportation of extremely hazardous materials through or near an area of concern, the Secretary to determine whether or not the transportation could be made by one or more alternate routes at lower security risk and, if the Secretary determines the transportation could be made by an alternate route, the use of such alternate route, except when the origination or destination of the shipment is located within the area of concern.

(3) JUDICIAL RELIEF.—A person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of hazardous materials and violates or fails to comply with a regulation issued by the Secretary under this subsection may be subject, in a civil action brought in United States district court, for each shipment with respect to which the violation occurs—

(A) to an order for injunctive relief; or

(B) to a civil penalty of not more than \$100,000.

(4) ADMINISTRATIVE PENALTIES.—

(A) PENALTY ORDERS.—The Secretary may issue an order imposing an administrative penalty of not more than \$1,000,000 for failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of hazardous materials to comply with a regulation issued by the Secretary under this subsection.

(B) NOTICE AND HEARING.—Before issuing an order described in subparagraph (A), the Secretary shall provide to the person against whom the penalty is to be assessed—

(i) written notice of the proposed order; and

(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed order.

(C) PROCEDURES.—The Secretary may issue regulations establishing procedures for administrative hearings and appropriate review of penalties issued under this paragraph, including necessary deadlines.

(b) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—No person involved in the shipping of extremely hazardous materials may be discharged, demoted, suspended, threatened, harassed, or in any other manner

discriminated against because of any lawful act done by the person—

(A) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the person reasonably believes constitutes a violation of any law, rule or regulation related to the security of shipments of extremely hazardous materials, or any other threat to the security of shipments of extremely hazardous materials, when the information or assistance is provided to or the investigation is conducted by—

- (i) a Federal regulatory or law enforcement agency;
- (ii) any Member of Congress or any committee of Congress; or
- (iii) a person with supervisory authority over the person (or such other person who has the authority to investigate, discover, or terminate misconduct);

(B) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule or regulation related to the security of shipments of extremely hazardous materials or any other threat to the security of shipments of extremely hazardous materials; or

(C) to refuse to violate or assist in the violation of any law, rule, or regulation related to the security of shipments of extremely hazardous materials.

(2) ENFORCEMENT ACTION.—

(A) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of paragraph (1) may seek relief under paragraph (3) by—

- (i) filing a complaint with the Secretary of Labor; or
- (ii) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(B) PROCEDURE.—

(i) IN GENERAL.—An action under subparagraph (A)(i) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(ii) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(iii) BURDENS OF PROOF.—An action brought under subparagraph (A)(ii) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(iv) STATUTE OF LIMITATIONS.—An action under subparagraph (A) shall be commenced not later than 90 days after the date on which the violation occurs.

(3) REMEDIES.—

(A) IN GENERAL.—A person prevailing in any action under paragraph (2)(A) shall be entitled to all relief necessary to make the person whole.

(B) COMPENSATORY DAMAGES.—Relief for any action under subparagraph (A) shall include—

- (i) reinstatement with the same seniority status that the person would have had, but for the discrimination;
  - (ii) the amount of any back pay, with interest; and
  - (iii) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.
- (4) RIGHTS RETAINED BY PERSON.—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any

person under any Federal or State law, or under any collective bargaining agreement.

(C) REPORT ON EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall transmit to Congress a report on the security of, and risk of a terrorist attack on, shipments of extremely hazardous materials.

(2) CONTENT.—The report under paragraph (1) shall include—

(A) information specifying—

- (i) the Federal and State agencies that are responsible for the regulation of the transportation of extremely hazardous materials; and
- (ii) the particular authorities and responsibilities of the heads of each such agency; and

(B) an assessment of the vulnerability of the infrastructure associated with the transportation of extremely hazardous materials.

(3) FORM.—The report under paragraph (1) shall be in unclassified form but may contain a classified annex.

(4) DEFINITIONS.—In this section, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term “extremely hazardous material” means—

- (A) a material that is toxic by inhalation;
- (B) a material that is extremely flammable;
- (C) a material that is highly explosive; and
- (D) any other material designated by the Secretary to be extremely hazardous.

(2) AREA OF CONCERN.—The term “area of concern” means an area that the Secretary determines could pose a particular interest to terrorists.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 181]

YEAS—226

Aderholt	Bishop (UT)	Brown (SC)
Akin	Blackburn	Brown-Waite,
Alexander	Blunt	Ginny
Bachus	Boehlert	Burgess
Baker	Boehner	Burton (IN)
Barrett (SC)	Bonilla	Buyer
Bartlett (MD)	Bonner	Calvert
Barton (TX)	Bono	Camp
Bass	Boozman	Cannon
Beauprez	Boustany	Cantor
Biggart	Bradley (NH)	Capito
Bilirakis	Brady (TX)	Carter

Castle	Inglis (SC)	Pitts
Chabot	Issa	Platts
Chocoba	Istook	Poe
Coble	Jenkins	Pombo
Cole (OK)	Jindal	Porter
Conaway	Johnson (CT)	Price (GA)
Cox	Johnson (IL)	Pryce (OH)
Crenshaw	Johnson, Sam	Putnam
Cubin	Jones (NC)	Radanovich
Culberson	Keller	Ramstad
Cunningham	Kelly	Regula
Davis (KY)	Kennedy (MN)	Rehberg
Davis, Jo Ann	King (IA)	Reichert
Davis, Tom	King (NY)	Renzi
Deal (GA)	Kingston	Reynolds
DeLay	Kirk	Rogers (AL)
Dent	Klaine	Rogers (KY)
Diaz-Balart, L.	Knollenberg	Rogers (MI)
Diaz-Balart, M.	Kolbe	Rohrabacher
Doolittle	Kuhl (NY)	Ros-Lehtinen
Drake	LaHood	Royce
Dreier	Latham	Ryan (WI)
Duncan	LaTourette	Ryun (KS)
Ehlers	Leach	Saxton
Emerson	Lewis (CA)	Schwarz (MI)
English (PA)	Lewis (KY)	Sensenbrenner
Everett	Linder	Sessions
Feeney	LoBiondo	Shadegg
Ferguson	Lucas	Shaw
Flake	Lungren, Daniel	Shays
Forbes	E.	Sherwood
Fortenberry	Mack	Shimkus
Fossella	Manzullo	Shuster
Fox	Marchant	Simmons
Franks (AZ)	McCaul (TX)	Simpson
Frelinghuysen	McCotter	Smith (NJ)
Gallely	McCrery	Smith (TX)
Garrett (NJ)	McHenry	Sodrel
Gerlach	McHugh	Souder
Gibbons	McKeon	Stearns
Gilchrest	McMorris	Sullivan
Gillmor	Mica	Sweeney
Gingrey	Miller (FL)	Taylor (NC)
Gohmert	Miller (MI)	Terry
Goode	Miller, Gary	Thomas
Goodlatte	Moran (KS)	Thornberry
Granger	Murphy	Tiahrt
Graves	Musgrave	Tiberi
Green (WI)	Myrick	Turner
Gutknecht	Neugebauer	Upton
Hall	Ney	Walden (OR)
Harris	Northup	Walsh
Hart	Norwood	Wamp
Hastings (WA)	Nunes	Weldon (FL)
Hayes	Nussle	Weldon (PA)
Hayworth	Osborne	Weller
Hefley	Otter	Westmoreland
Hensarling	Oxley	Whitfield
Herger	Paul	Wicker
Hobson	Pearce	Wilson (NM)
Hoekstra	Pence	Wilson (SC)
Hostettler	Peterson (PA)	Wolf
Hulshof	Petri	Young (AK)
Hunter	Pickering	Young (FL)

NAYS—199

Abercrombie	Cleaver	Frank (MA)
Ackerman	Clyburn	Gonzalez
Allen	Conyers	Gordon
Andrews	Cooper	Green, Al
Baca	Costa	Green, Gene
Baird	Costello	Grijalva
Baldwin	Cramer	Gutierrez
Barrow	Crowley	Harman
Bean	Cuellar	Hastings (FL)
Becerra	Cummings	Herseth
Berkley	Davis (AL)	Higgins
Berman	Davis (CA)	Hinchey
Berry	Davis (FL)	Hinojosa
Bishop (GA)	Davis (IL)	Holden
Bishop (NY)	Davis (TN)	Holt
Blumenauer	DeFazio	Honda
Boren	DeGette	Hooley
Boswell	Delahunt	Hoyer
Boucher	DeLauro	Inslee
Boyd	Dicks	Israel
Brady (PA)	Dingell	Jackson (IL)
Brown (OH)	Doggett	Jackson-Lee
Brown, Corrine	Doyle	(TX)
Butterfield	Edwards	Jefferson
Capps	Emanuel	Johnson, E. B.
Capuano	Jones	(OH)
Cardin	Eshoo	Kanjorski
Cardoza	Etheridge	Kaptur
Carnahan	Evans	Kennedy (RI)
Carson	Farr	Kildee
Case	Fattah	Kilpatrick (MI)
Chandler	Filner	Kind
Clay	Ford	Kucinich

Langevin Neal (MA) Sherman  
Lantos Oberstar Skelton  
Larsen (WA) Obey Slaughter  
Lee Olver Smith (WA)  
Levin Ortiz Snyder  
Lipinski Owens Solis  
Lofgren, Zoe Pallone Spratt  
Lowey Pascrell Stark  
Lynch Pastor Strickland  
Maloney Payne Stupak  
Marshall Pelosi Tanner  
Matheson Peterson (MN) Tauscher  
Matsui Pomeroy Taylor (MS)  
McCarthy Price (NC) Thompson (CA)  
McCullum (MN) Rahall Thompson (MS)  
McDermott Rangel Tierney  
McGovern Reyes Towns  
McIntyre Ross Udall (CO)  
McKinney Rothman Udall (NM)  
McNulty Roybal-Allard Van Hollen  
Meehan Ruppertsberger Velázquez  
Meek (FL) Rush Vislosky  
Meeks (NY) Ryan (OH) Wasserman  
Melancon Sabo Wasserman  
Menendez Salazar Schultz  
Michaud Sánchez, Linda Waters  
Miller (NC) T. Watson  
Miller, George Sanchez, Loretta Watt  
Mollohan Sanders Waxman  
Moore (KS) Schakowsky Weiner  
Moore (WI) Schiff Wexler  
Moran (VA) Schwartz (PA) Woolsey  
Murtha Scott (GA) Wu  
Nadler Scott (VA) Wynn  
Napolitano Serrano

NOT VOTING—8

Fitzpatrick (PA) Larson (CT) Millender-  
Foley Lewis (GA) McDonald  
Hyde Markey Tancred

□ 1156

Messrs. McNULTY, BOUCHER, CHANDLER, FATTAH, and Ms. DEGETTE changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 284, noes 124, not voting 25, as follows:

[Roll No. 182]

AYES—284

Abercrombie Bono Chandler  
Aderholt Boozman Chocola  
Akin Boren Coble  
Alexander Boustany Cole (OK)  
Allen Boyd Conaway  
Baca Bradley (NH) Costa  
Bachus Brady (PA) Cox  
Baker Brady (TX) Cramer  
Barrett (SC) Brown (OH) Crenshaw  
Bartlett (MD) Brown (SC) Crowley  
Barton (TX) Brown-Waite, Cubin  
Bass Ginny Cuellar  
Beauprez Burgess Culberson  
Berry Burton (IN) Cunningham  
Bigbert Calvert Davis (FL)  
Bilirakis Camp Davis (KY)  
Bishop (NY) Cannon Davis, Jo Ann  
Bishop (UT) Cantor Davis, Tom  
Blackburn Capito Deal (GA)  
Blumenauer Capuano DeFazio  
Blunt Cardin DeLay  
Boehlert Carnahan Dent  
Boehner Carter Diaz-Balart, L.  
Bonilla Castle Diaz-Balart, M.  
Bonner Chabot Doolittle

Doyle Drake Kingston  
Dreier Klire Kirk  
Duncan Kolbe  
Ehlers Kuhl (NY)  
Emerson LaHood  
English (PA) Larsen (WA)  
Evans Latham  
Everett LaTourette  
Fattah Leach  
Feeney Levin  
Ferguson Lewis (CA)  
Fitzpatrick (PA) Lewis (KY)  
Flake Linder  
Forbes LoBiondo  
Fortenberry Lucas  
Fossella Lungren, Daniel  
Foxy E.  
Franks (AZ) Mack  
Frelinghuysen Manzano  
Gallegly Marshall  
Garrett (NJ) Matheson  
Gerlach McCarthy  
Gibbons McCaul (TX)  
Gilchrest McCotter  
Gillmor McCrery  
Gingrey McHenry  
Gohmert McHugh  
Goode McIntyre  
McMorris  
Mica Melancon  
Michaud  
Miller (FL) Miller (FL)  
Miller (MI) Miller (MI)  
Miller, Gary  
Mollohan  
Moran (KS) Moran (KS)  
Murphy  
Murtha  
Musgrave  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
King (IA) Regula  
King (NY) Rehberg

NOES—124

Ackerman DeLauro Jackson-Lee  
Andrews Dicks (TX)  
Baird Dingell Johnson, E. B.  
Baldwin Doggett Jones (OH)  
Barrow Edwards Kaptur  
Bean Emanuel Kennedy (RI)  
Berkley Engel Kildee  
Bishop (GA) Etheridge Kilpatrick (MI)  
Boswell Farr Kucinich  
Brown, Corrine Filner Langevin  
Butterfield Ford Lantos  
Capps Frank (MA) Lee  
Carson Gonzalez Lipinski  
Clay Gordon Lofgren, Zoe  
Cleaver Green, Al Lowey  
Clyburn Green, Gene Lynch  
Conyers Grijalva Maloney  
Cooper Guterrez Matsui  
Costello Harman McDermott  
Cummings Herseth McGovern  
Davis (AL) Higgins McKinney  
Davis (CA) Davis (IL) McNulty  
Davis (TN) Davis (TN) Meehan  
DeGette Inslee Meek (FL)  
Delahunt Israel Meeks (NY)

Menendez Rangel Towns  
Miller (NC) Rothman Udall (CO)  
Moore (KS) Roybal-Allard Udall (NM)  
Moore (WI) Rush Van Hollen  
Moran (VA) Sabo Velázquez  
Nadler Salazar Vislosky  
Neal (MA) Sanchez, Loretta Wasserman  
Oberstar Schakowsky Schultz  
Obey Schiff Waters  
Olver Sherman Watson  
Owens Slaughter Watt  
Pallone Smith (WA) Waxman  
Pastor Snyder Weiner  
Payne Solis Woolsey  
Pelosi Taylor (MS) Wynn  
Pomeroy Thompson (MS)  
Price (NC) Tierney

NOT VOTING—25

Becerra Jefferson Miller, George  
Berman Knollenberg Myrick  
Boucher Larson (CT) Napolitano  
Buyer Lewis (GA) Pascrell  
Cardoza Marchant Sanders  
Case McCollum (MN) Stark  
Eshoo McKeon Tancred  
Foley Millender-  
Hyde McDonald Turner

□ 1228

Mrs. MALONEY and Mr. CUMMINGS changed their vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PASCHELL. Mr. Speaker, on rollcall No. 182, had I been present, I would have voted “no.”

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to section 4(a) of the Democracy Assistance Commission Resolution (House Resolution 135, 109th Congress), and the order of the House of January 4, 2005, the Chair announces the Speaker’s appointment of the following Members of the House to the House Democracy Assistance Commission:

- Mr. DREIER, California, Chairman;
- Mr. KOLBE, Arizona;
- Mr. GILLMOR, Ohio;
- Mr. KIRK, Illinois;
- Mr. BOOZMAN, Arkansas;
- Mr. WILSON, South Carolina;
- Mr. COLE, Oklahoma;
- Mrs. MILLER, Michigan;
- Mr. FORTENBERRY, Nebraska.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES

Washington, DC, May 17, 2005.

Hon. J. DENNIS HASTERT, Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(a) of the House Democracy Assistance Commission Resolution (House Resolution 135, 109th Congress), I hereby appoint the following members to serve on the House Democracy Assistance Commission.