

Udall (NM)	Waters	Whitfield
Upton	Watson	Wicker
Van Hollen	Watt	Wilson (NM)
Velázquez	Waxman	Wilson (SC)
Visclosky	Weiner	Wolf
Walden (OR)	Weldon (FL)	Woolsey
Walsh	Weldon (PA)	Wu
Wamp	Weller	Wynn
Wasserman	Westmoreland	Young (AK)
Schultz	Wexler	Young (FL)

## NAYS—1

Kucinich

## ANSWERED "PRESENT"—3

Hinchey	Slaughter	Stark
---------	-----------	-------

## NOT VOTING—11

Buyer	Granger	Musgrave
Cardin	McCrery	Osborne
Dicks	McDermott	Poe
Evans	Murphy	

□ 1741

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4975, the Clerk be authorized to correct section numbers, spelling, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 789 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 789

*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. 4954) to improve maritime and cargo security through enhanced layered defenses, 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, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastruc-

ture. After general debate the bill shall be considered for amendment under the five-minute rule. 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 recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such 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 committee amendment in the nature of a substitute. 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 purposes of debate only, I yield the customary 30 minutes to my friend from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

The structured rule provides for 1 hour of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

□ 1745

It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments printed in the report accompanying the

resolution may be offered only in the order printed in the report and may be offered only by a Member designated in the report. They shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent. They 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.

Finally, the rule waives all points of order against the amendments printed in the report and provides the minority with one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this balanced rule providing for consideration of the bipartisan Security and Accountability for Every Port, or SAFE Port, Act. The rule, which makes in order 10 Democrat amendments and five Republican amendments, will allow the House to begin its consideration of this bill, which has 80 bipartisan cosponsors, was approved unanimously through its subcommittee and full committee mark-ups in the Committee on Homeland Security, and represents a responsible and thoughtful approach to providing security at our Nation's ports.

The SAFE Port Act improves cargo security first by enhancing security at United States ports. It requires the Department of Homeland Security to deploy nuclear radiological detection systems at 22 seaports by the end of fiscal year 2007, covering 98 percent of all incoming maritime containers. It provides risk-based funding through a dedicated Port Security Grant Program and requires the Secretary of Homeland Security to coordinate Federal, State, local, and private sector security activities by establishing a streamlined, integrated network of virtual and physical command centers.

Second, this legislation improves cargo security by tracking and protecting containers that are en route to the United States. This legislation will require the Secretary to develop uniform standards for sealing containers entering the United States and provide for the improved utilization of private sector advances in security, including research and development of new technologies and applications. It also improves the International Trade Data System and directs the Department to conduct additional research and testing on technology integration, access control, and data-sharing capacities.

Third, this legislation improves our port security by preventing threats from ever reaching the United States. It improves the Automated Targeting System by collecting enhanced cargo data from importers bringing goods through U.S. ports. It codifies the existing Container Security Initiative and requires the Secretary to refuse entry to high-risk cargo that the host nation does not inspect. It also authorizes the Department to lend detection equipment and provide training to host

nations so that our closest trading partners can utilize the best technology available anywhere in the world. Obviously, that is meant to keep America and our trading partners safe.

Mr. Speaker, this legislation takes a responsible and bipartisan approach to protecting American citizens from the threat of terrorism being brought to our shores through our ports. It includes a provision that requires the Secretary of Homeland Security to continue his aggressiveness and ceaseless efforts to evaluate emerging detection and screening technologies and measure those technologies against real-world performance metrics before deploying them in the field to ensure that they are effective in protecting the American people.

I urge all of my colleagues to support this rule and the underlying legislation to improve our Nation's ports.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the time; and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this restrictive rule, which permits the House to consider only one half of the amendments which were brought to the Rules Committee last night. Under this rule, only 15 of the approximately 30 amendments offered by Members are made in order, while the remaining half are blocked from consideration.

I find it astonishing, though not surprising, that my friends in the majority, who just in the last hour were preaching ethics reform and civility here in the House, are coming to the floor again with a restrictive rule.

The rule, which was reported out of the Rules Committee along a straight party-line vote, mocks the public's call for reforming the way we go about doing business in the people's House. Clearly, the majority is good at talking the talk, but as the American people are beginning to understand, they are failing miserably to walk the walk.

In blocking these amendments from being considered by the House today, Republicans are sending a message loud and clear that protecting their political majority in the House is more important than protecting the American people in their own homes.

Dangerously, the rule prohibits the House from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every single shipping container be scanned and sealed before being loaded onto a ship destined for the United States.

Today, barely 5 percent of all containers coming into the United States through our ports are scanned. Unfortunately, Republicans, again along a party-line vote, blocked this common-sense security-based amendment from being debated and considered by the full House. In doing so, they have

signed their names on the dotted line that they do not at this time support inspecting 100 percent screening requirements at America's ports.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I take issue with the majority's not allowing this amendment being considered today. I take issue with their conscious decision to block the House from considering an amendment which will, without a doubt, make my constituents and the American people safer.

Sadly, the rule also fails to make in order an amendment which was offered by the ranking Democrat of the Homeland Security Committee, my good friend and trusted advisor on homeland security issues, Representative Bennie Thompson from Mississippi. The ranking member's amendment recognizes that we cannot continue asking Customs officials to do more with less.

I just had this, coming from an international flight, discussion with a fine gentleman in the Customs Department. Thirty-two years he has been there, and he indicates to me just how difficult it is for them to do more with less.

The amendment that Mr. THOMPSON offered authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at America's seaports.

Representative LANGEVIN offered an amendment that authorized \$117 million for the purchase of advanced radiation portal monitors at all our ports to ensure that Customs officials have the most up-to-date equipment to do their job.

I kept hearing all this stuff last night about they do not have this technology and everything. Well, I have seen this technology in Vilnius, Lithuania, as one example. In Rotterdam, I saw this technology. It worked. At the very least, what we need is whatever the state of art is at this point in the hopes that it will work and that we can improve it as time progresses.

Under this rule, however, both of these amendments, Mr. THOMPSON's and Mr. LANGEVIN's, and so many others are blocked from consideration.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports, Port Everglades, the Port of Palm Beach, and the Port of Miami, all within just minutes of my home. They have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best-practices recognition.

So when I come to the floor today and consider the underlying legislation, I have to ask, does this legislation get our ports to where they need to be regarding security? The answer to this question is a resounding no.

I have traveled all over this world visiting international ports to learn about their operations and how they

secure their cargo. Among the places that I visited have been Hong Kong, Singapore, Tokyo, Rotterdam, Lisbon, and others. These are some of the largest ports in the world outside of the United States, and all of them manage to inspect more cargo than we do without slowing down their port operations.

It was interesting to me, in the run-up to the Singapore Trade Agreement, we required in that agreement that Singapore inspect more of their cargo than we do in our own country. So I ask, if they can do it, why can we not?

The rhetoric from the other side of the aisle is at an all-time high. They talk about bipartisanship, but they shy away from working together. I give credit at least to the ranking member and Chair of this committee for trying. We give them opportunities to make good bills better, but then they block the House from considering our ideas. They talk about securing America, but then balk when it comes time to actually do something about it.

Mr. Speaker, we have an opportunity today to do something about a real problem which we all know exists at America's seaports. This is not about showing the terrorists our weaknesses, as some in the majority have suggested. Rather, it is about giving our Customs and Border Patrol officers the necessary tools and directives to do everything that they possibly can to stop attacks from happening here in the United States.

The sad thing is, Mr. Speaker, it may not be until an attack occurs that we will actually get this right.

This rule and the underlying legislation fails to meet the needs of our ports and the expectations of the American people, and I urge my colleagues to oppose this restrictive rule.

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

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

Mr. Speaker, this fair and balanced rule is one that involves a bunch of co-sponsors of Democrats and Republicans. It has been well thought out. It has required a lot of thought process. This afternoon you are going to hear from a number of Members on the Republican side who will articulate how balanced and wonderful and how we have taken time to make sure that we dealt with the minority, that we dealt with the administration, that we looked at other ports around the world, that we are trying to do those things that are best that will secure our ports and get them done as quickly as possible but will also present something that can be done in a balanced and proper way. I think that that is the argument you are going to hear today.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the Rules Committee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my dear friend, Mr. SESSIONS, for the time.

I rise today in strong support of the rule and the underlying legislation.

□ 1800

Chairman PETER KING has worked in an extraordinary fashion to create a piece of legislation with the help of his ranking member, Mr. THOMPSON, and the entire committee, that is worthy of our support. They are the first ones to admit it is not perfect, but it certainly moves us forward in an important way toward further port security.

For example, in the community that I am honored to represent, Mr. Speaker, the Port of Miami, that port alone, of course, is one of the largest in the country and in the world, and its annual operating security costs have increased from \$4 million in 2001 to \$16 million in the last year.

This legislation, for example, authorizes \$400 million annually to be awarded to high-risk ports, such as the Port of Miami, in grants. It will be used precisely for purchasing and upgrading security equipment and enhancing terrorism preparedness.

There are amendments. We made 10 Democrat amendments in order and five Republican amendments in order. It is a fair rule. It is a fair rule that we bring forth today.

For example, the Bass amendment would allow State and local agencies to apply for reimbursement for operational expenses and overhead costs, such as, for example, waterborne patrols. Those are functions that used to be carried out and paid for by the Coast Guard. Now the ports have to pay for them. So it is taken care of by that amendment.

So it is a fair rule, bringing forth a very important piece of legislation, making in order twice as many Democrat amendments as Republican amendments. Nevertheless, it is still a good rule. I support the rule. I strongly support the underlying legislation and would ask all of our colleagues to support both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Florida says that they made 10 Democrat amendments in order and five Republican amendments, and that is true. But not a single one of those is more important than the three that you did not make in order.

Mr. Speaker, I yield 2½ minutes to my friend, the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the SAFE Port Act, because it is important for the security of our Nation, but I rise in reluctant opposition to this restrictive rule.

As a member of the Homeland Security Committee and an original cosponsor of the underlying legislation, I understand that port security is national security. We need this bill, Mr. Speaker, to keep America safe. However, this

rule does not permit debate on an important amendment that I attempted to offer.

My amendment would strengthen our security by requiring the Domestic Nuclear Detection Office to develop a report back to Congress of a plan to purchase and deploy radiation portal detectors at our ports of entry. My amendment would also authorize additional funds to help pay for these detectors.

Our intelligence analysts tell us one of the greatest risks our country faces is the threat that a terrorist will smuggle nuclear material across our borders or through our ports and detonate a dirty bomb or a nuclear device in one of our cities. The technology, Mr. Speaker, exists to scan cargo for this radioactive material, and DHS is in the process of deploying it.

In addition, DHS is in the process of awarding a contract for the next generation of detectors, which will cost at least twice as much as the current generation. However, a recent GAO report determined that DHS needs an additional \$300 million to purchase and deploy the 3,000 current generation monitors.

The report indicated that with current funding, DHS will be unable to deploy the monitors by its target date of 2009. In December I offered an amendment to require the full deployment of these monitors within 1 year. This amendment passed the Homeland Security Committee with bipartisan support. The amendment that I offered to the Rules Committee is a less drastic step but goes a long way towards keeping us safe. By requiring DHS to figure out what types of monitors they need at different locations, DHS will provide us with a better assessment of exactly how much this program will actually cost.

Mr. Speaker, we simply cannot afford to wait any longer. Defeating the previous question will allow the House to consider both my amendment and Ranking Member THOMPSON's important amendment to increase the number of port inspectors over the next 5 years.

Mr. Speaker, I urge my colleagues to join me in rejecting the previous question, voting to protect our ports and border crossings from nuclear material being smuggled across our borders and passing the SAFE Port Act.

Mr. SESSIONS. Mr. Speaker, I spoke about this fair and balanced rule. We have also spoken about how great the legislation is.

Mr. Speaker, I am very pleased at this time to yield 3½ minutes to the gentleman who is the chairman of the Committee on Homeland Security, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of the rule providing for House consideration of the SAFE Port Act.

Mr. Speaker, none of us will ever forget what happened on September 11,

2001. Certainly in my district, there were well over 100 people were killed. My district is very close to the Port of New York and New Jersey, and many Members of this House suffered similarly on September 11.

When I was seeking the position of Homeland Security chairman last year, I made it a point to emphasize how important it was that we address the issue of port security. I am proud to say that prior to the whole Dubai Ports controversy, Chairman DAN LUNGREN, Congresswoman JANE HARMAN, Ranking Member SANCHEZ began work on this port security bill. So we were ready to move, and the Dubai Ports controversy gave us the window of opportunity to move forward.

As a result of that, with very close consultation and cooperation throughout this process, both at the subcommittee level and the full committee level, we have legislation which passed unanimously out of the subcommittee and then passed unanimously by a 29-0 vote last week out of the full committee.

In saying that, let me pay special thanks to the ranking member of the full committee, Mr. THOMPSON, who, again, both he and his staff were exceptionally cooperative as this process went forward.

Now, we operated on the presumption that significant progress has been made in port security since September 11. However, we need to finish the job, to ensure that these programs and others provide a robust, risk-based system for securing our vital international supply chain through point of origin of goods until arrival here in U.S. seaports.

The SAFE Port Act addresses port security enhancements in three main areas: strengthening security measures at foreign ports and improving risk-based targeting of suspicious cargo; improving security of cargo in transit; and making much needed security upgrades at U.S. ports.

I must point out also, Mr. Speaker, the underlying bill includes an amendment offered in committee by the gentlewoman from Florida, Ms. GINNY BROWN-WAITE, which requires aggressive evaluation and deployment of the best available technology to screen incoming cargo. This amendment, offered by Congresswoman GINNY BROWN-WAITE, passed by a vote of 33-0.

Mr. Speaker, since 9/11, the House has repeatedly voted to support risk-based funding decisions with respect to Homeland Security. This legislation enhances this risk-based strategy that ensures our dollars are spent in areas that provide maximum security benefits.

I want to emphasize also how there was the spirit of cooperation at the subcommittee level, the committee level, and I think it is safe to say, in fact I would emphasize the fact that everyone on the Homeland Security Committee feels very, very strongly about protecting every American life

by doing all we can to protect America's ports and indeed all of America from any future possible terrorist attack.

There can be differences about means. There can be differences about exactly how we achieve that. I feel very secure, very confident, very proud of the legislation that we passed. But it serves no purpose for anyone to be suggesting that there is anyone in the committee or House who is not absolutely dedicated to preserving every American life and doing all we can to enhance American security.

So I urge my colleagues to adopt this rule, reject any attempt to politicize the debate and move forward with this bipartisan bill.

Mr. HASTINGS of Florida. Mr. Speaker, if we had made one amendment in order, it would have been satisfactory on this side, the one that was offered by my good friend Mr. NADLER, who I yield 2½ minutes to.

Mr. NADLER. Mr. Speaker, this rule does not make in order an amendment that was defeated 18-16 on a practically party-line vote and is the key difference, and it is why this rule ought to be defeated.

The gentleman from New York says a risk-based strategy. Why should we risk the lives of millions of people by assuming that we know which container will contain the atomic bomb or the radiological bomb? We don't know that. We can't know that.

The only safety we can have is to inspect 100 percent of the containers, not in New York but in Hong Kong, before they are put on a ship bound for the United States. That is the essence of the amendment, the Nadler-Markey amendment that the Republicans won't accept and won't permit us to debate on the floor.

They say the technology doesn't exist. The technology most certainly exists. It is done in Hong Kong today. Mr. GINGREY spoke about a company in his district that wants to sell the tamper-proof seals that will tell us if the container, once scanned, is tampered with. But the Department of Homeland Security is not interested.

This bill contains a study, an amendment by Ms. GINNY BROWN-WAITE that the Department of Homeland Security should study whether it is feasible to have 100 percent scanning. We passed that amendment on this floor 2 years ago. It was the Nadler amendment. It is in the law. It said they should report back in 90 days, 90 days from 2 years ago. They haven't bothered reporting back, because they are not interested in this. This is another waste of time.

The fact is, a risk-based strategy, they will simply put the atomic bomb or the radiological bomb in a low-risk container from Wal-Mart. The greatest risk we face is that a good company will have a container with sneakers in Indonesia on the way to the port, and the driver will stop for lunch, and while he is stopping for lunch, some terrorist will take out the sneakers

and put in a bomb and the bill of lading will be fine.

The people who say we can't do this are the same people who told us 2 years ago we couldn't get a bill of lading for every container 24 hours in advance, and they told us we couldn't get every person searched before he got on an airplane.

If we really want to make this country safer, we must debate on this floor this amendment, the Nadler-Markey amendment, to say, before any container gets put on a ship bound for the United States, it must be scanned electronically to see what is in it; it should be sealed with a tamper-proof seal that will tell us if it has been tampered with; and the results of the scan should be transmitted electronically to people in the United States who will look at that seal.

It is being done now in Hong Kong, except that because no one in the Department of Homeland Security is interested, the results of those scans are on tapes that are stored there because no one in this country has time to read those tapes.

For shame.

Mr. SESSIONS. Mr. Speaker, once again articulating this balanced rule and fair and wonderful legislation, we continue to talk about what the legislation stands for without attempting to scare people but rather to give the substance of what the bill is about.

Mr. Speaker, I yield 4 minutes to the chairman of the Economic Security, Infrastructure Protection and Cybersecurity Subcommittee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, I would like to say that this is an attempt to have a balanced bill. I have worked as hard as I can with the gentlewoman from California (Ms. HARMAN) and with the ranking member on my subcommittee, Ms. LORETTA SÁNCHEZ, to try and respond to a true challenge that we have before us, and that is the challenge of terrorists attempting to do harm to our country by going through our ports.

The very nature of our ports, the very genius of our ports, which is the just-in-time delivery, the inventory that is basically carried on ships these days, instead of stationary in large buildings on land, the very easy transfer of them from ships to trucks to be able to get into the middle of our country within the shortest period of time, times that would have been unimaginable just years ago, that very ingenuity, that creativity, also creates the vulnerability.

It is true that, following 9/11, we focused, not exclusively but more than any other area, on our aviation system. Now we have an opportunity to try and put a greater emphasis on security for our ports.

I was gone from this place for 16 years; 9/11 was the event that com-

pelled me to return. I grew up in the shadows of one of the great harbors of this country, Long Beach. I worked there one summer when I was in college.

□ 1815

I have been able to see the tremendous growth and the change in the way our ports operate. I am proud of our ports. I would do nothing, I would do nothing to try and put them at risk. And I would say this base bill is a very good bill.

When I hear some of the discussion about the rule, it reminds me of my prior service in the House when I served for 10 years as a minority Member, where we did not have a right to a motion to recommit. We were given an opportunity for a motion to recommit when the Rules Committee decided they would give it to us.

Under the Republican rules of the House, a motion to recommit is given to the minority on every major bill. So those elements of concern that have been expressed by the minority side of substance of amendments that are not allowed under this bill we know can be put into a motion to recommit.

Now, that does not mean I am going to support it, because I think good and sufficient arguments can be made against some of the amendments that wish to be presented here in the floor and in the substance of the motion to recommit. But I just hope in the discussion on this rule and the discussion on the underlying bill we do not lose that sense of bipartisanship that has really been a watchword of this attempt to provide us with the response to a true challenge in this country.

The very vote that we had, 29-0 coming out of our committee, the fact that we have more than 80 cosponsors from both sides of the aisle, gives the very indication of the bipartisan nature of this bill.

I get involved in partisan arguments from time to time, as you well know. But this institution does itself proud when it responds to the challenges that are out there facing our constituents. This committee, the Homeland Security Committee, has served this House well by its bipartisan approach under first our former chairman, Mr. Cox, and now our current chairman, Mr. KING.

The Members on the Democratic side have worked very hard I think to work with us in a bipartisan way. So I hope the tenor of the debate tonight does not mislead people who may be listening into thinking we are not doing the peoples' business. We are doing the peoples' business. I am proud of the work that we are doing here. This is a good bill. We will debate some additional amendments. We will have a motion to recommit. And whatever comes out of that, this will still be a good bill.

Please support this rule and support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished ranking member of the Select Committee on Intelligence, my

good friend, Ms. HARMAN from California.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me time. I commend him for his service on the Rules Committee and also on the Intelligence Committee.

Mr. Speaker, I rise in opposition to this rule but also in support of the comments that just were made by the bill's co-author, Mr. LUNGREN.

I support bipartisanship. To my marrow, I support bipartisanship. I think that this bill, which he and I have co-authored, is an excellent bill; and there will be plenty of time tomorrow to debate it. I hope that debate will be in a true bipartisan spirit.

My opposition to the rule, Mr. Speaker, is that there are missed opportunities. There are things we could have and should have done in this rule that we did not do. What is wrong with this rule is that the legislation will not have the benefit of several important provisions which, in fact, were in bills before us. I want to explain what I mean.

The Homeland Security SAFE Port Act did include a provision to accelerate the Coast Guard's Deepwater Program so that we can replace outdated planes and boats sometime before my new baby granddaughter graduates from college.

I doubt that a single Member of the House opposes modernizing the Coast Guard fleet. All of us know that this Federal agency has done more than any other, at least in my view, to defend America and stretch scarce dollars to the breaking point after 9/11.

However, in the manager's amendment made in order under this rule, we are deleting the Deepwater Program language. I think that is a mistake.

Secondly, we have already been talking about the issue of 100 percent scanning and sealing of containers. It is something that I strongly support. Identical language to language defeated in the Homeland Security Committee and not allowed to be presented on the floor, was included and reported in legislation by the Transportation and Infrastructure Committee.

My point here is that, on a bipartisan basis, at least one committee of this House has already approved this language. Now it is not in the version of the bill before us but also it is not made in order as an amendment to this bill. That language would help make a good bill a better bill.

The process to develop the bill is good. The process in the Rules Committee was bad. I urge a no vote on the rule.

Mr. SESSIONS. Mr. Speaker, once again continuing, the majority side, to present a fair and balanced rule with the substance of the bill, I yield 4 minutes to our next speaker, the gentlemen from Lehigh Valley, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in support of the rule and in support of the underlying bill, H.R. 4954, the SAFE Port Act of 2006.

This is a bipartisan bill, as has been stated, that takes a commonsense approach to improving the security of America's ports. The bill authorizes \$821 million annually for port security programs. It requires the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007, an action that will cover 98 percent of incoming maritime containers.

Further, it makes sure that the people working at our port facilities are properly cleared and identified by forcing DHS to set deadlines for the implementation of the Transportation Worker Information Credential Program, or commonly called TWIC, a biometrically enhanced identification card system designed to make sure that those who would seek to commit acts of terrorism against us are not allowed to work within the U.S. port system.

Mr. Speaker, I am also happy to see that the bill codifies in law the establishment of the Domestic Nuclear Detection Office, or DNDO. Earlier this year, I had the opportunity to visit the DNDO facility at the Nevada test site.

Mr. Speaker, I am firmly convinced of the importance of maintaining the vitality of this organization. The DNDO has been one of the most important missions within the DHS, the detection and identification of nuclear materials. During my visit, I observed firsthand the testing of nuclear and radiological countermeasures, including detection devices designed to identify vehicles transporting nuclear explosive devices, fissile material, radiological material intended for illicit use.

The SAFE Port Act requires the DNDO to conduct testing of next-generation nuclear radiological detection equipment and to put forth a time line for completing installation of such equipment at all US seaports.

Finally, I am grateful to Chairman King for his willingness to accept my addition to section 1812 of the act, which appears in the manager's amendment. My addition to section 1812 allows contract logistics providers to be eligible for inclusion in the Customs-Trade Partnership Act Against Terrorism, or commonly known as C-TPAT, an important tool in the public-private sector alliance designed to make sure that goods shipped by manufacturers internationally are safe.

Contract logistics providers manage the movement and warehousing of goods and have access to critical information about the status of shipments throughout the supply chain. Given our goal of securing the entire supply chain, it is logical that companies providing services critical to the overall movement of goods should be allowed to voluntarily seek membership in C-TPAT.

For all of these reasons, I support the rule and underlying bill, H.R. 4954.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to advise each of us how much time remains.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining.

The gentlemen from Texas (Mr. SESSIONS) has 11½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON), my good friend.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman from Florida for allowing me to speak against this rule.

Mr. Speaker, I do not support this rule as it flies in the face of bipartisanship shown by the Homeland Security Committee. It is inexcusable to not allow an up or down vote on many of the amendments that appeared before the Rules Committee, including my amendment increasing the number of Customs inspectors assigned at seaports, the Nadler-Markey amendment advocating 100 percent phase-in screening of cargo, and the Langevin amendment on radiation portal monitoring.

Silencing debate on port security and not allowing Republican and Democrats of this House to consider those amendments on the floor keep all of us from doing our jobs constituents put us here to do.

If those who refuse to allow these amendments to be considered by the House did so because they were afraid that they were not going to pass, then I ask them to think about this: maybe these amendments would have passed because they are sound policy and the types of things that we need to do, serve and protect the American people.

If they were refused because the majority did not want to take hard votes that their constituents might disagree with, I implore those who make these decisions to put America's safety first before politics. We must remember that homeland security is not a Democratic or Republican issue, it is an American issue; and those in this House must treat it as so.

If our ports are attacked, if a cargo container is blown up, those affected will be all stripes, colors and political affiliations. It is about time this House started legislating as such.

Mr. Speaker, let us look at the amendments the Rules majority refused to give an up or down vote on.

First, my amendment authorized \$67 million for 400 Customs and Border Patrol inspectors to be assigned at seaports over the next 4 years. With all of the talk of how we need to shore up our ports here and abroad, why not put our money where our mouth is and get enough people to do the job? One of the major deficiencies of our port security is that we do not have enough inspectors at U.S. and foreign seaports.

Second, the rule rejects Mr. LANGEVIN's amendment which increases radiation portal monitors, increases funding by \$117 million. What is the majority afraid of? That the American people may discover that this

country spends 57 times the amount of money on a missile defense system that does not work?

Finally, this rule does not include the amendment offered by Representatives NADLER, MARKEY and OBERSTAR, requiring 100 percent container scanning phased in over 5 years. Currently, only about 5 percent of that cargo is screened; 95 percent is not. This amendment would have fixed that.

Let's stop playing politics with America's security. Let's have an open exchange of ideas. It is about time that we stopped hiding behind rules that leave America less secure.

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

Mr. Speaker, the rule and the substance that we are debating here is very important and one which, to support the balance that we have, the committee heard many of the amendments that had been discussed in subcommittees and in full committee. They were voted down twice as a result of substantive debate and all of the members of the committee being together.

The Rules Committees was aware of that. We took testimony, we heard from people, and we made a decision. Our rule, the one we are putting together, is fair: 10 Democrat amendments, 5 Republican amendments. We feel good about what we are doing. The substance of the bill is strong, the substance of the bill is balanced, and the substance of the bill aims directly at what our national self-interest is as it relates to protecting our ports.

Mr. Speaker, at this time I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of the rule for H.R. 4954, the SAFE Port Act.

For too long we have been content with minimal upgrades to port security while vigorously bolstering our airports and borders. Do not get me wrong. These areas of security are vital, but so are our ports. As a Member from Florida, I am extremely conscious of the Nation's vulnerability in this area.

□ 1830

Florida has 14 ports, all of which are in desperate need of the grant funding that this bill provides for infrastructure, technology and security upgrades.

The SAFE Port Act pushes us leaps and bounds beyond our current security. We fund port of entry inspection offices, port security programs and port worker-identification systems.

I was especially proud to contribute an amendment in the Homeland Security Committee to move DHS toward advanced technology. I beg to differ with my colleagues on the opposite side of the aisle. This is not a study. As a matter of fact, the amendment requires the Secretary of Homeland Security to aggressively pursue new

cargo screening technologies within 1 year. The Secretary must then work with foreign governments within 6 months to deploy such technology.

This amendment, and the underlying bill, does not falsely promise some fantastic pie-in-the-sky technology. Though the ICIS project of 100 percent screening in Hong Kong is promising, it is still too unproven that we would ever consider demanding immediate implementation of it. There are still density problems that exist. Cargo is being screened at some of the terminals, but no one is analyzing this data because of these problems prior to shipment. When the technology is in place, of course we will use it.

Every Member of this body on both sides of the aisle wants to make sure that our screening is adequate, more than adequate, that it is state-of-the-art. And when that technology is here, we certainly will use it.

In the meantime, I do not believe that we should waste taxpayer dollars on pie-in-the-sky promises. Instead, the bill requires DHS to implement realistic technology to increase our overseas cargo screening.

Our constituents require and deserve a secure America, and this bill pushes DHS further than ever to deliver that.

As a member of the Homeland Security Committee, I am committed to never allowing DHS to become complacent. This bill is not the end of port security legislation. Rather, it is a good starting line for us to begin the race, running faster than ever to secure America with realistic technology and real results.

I certainly want to thank Chairman KING as well as Congressman LUNGREN and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation.

I urge all Members to vote in favor of the rule and, of course, the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague, Mr. SESSIONS, my friend, related earlier that in full committee these matters were debated and were voted down. I would remind him that the Nadler amendment passed in the Transportation and Infrastructure Committee on a voice vote and that the Lungren amendment passed in the Homeland Security Committee, an appropriate jurisdiction.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for his leadership.

In this debate, I have listened to the encouragement and the entreaties to be bipartisan, and let me say that I accept that call. In fact, I believe that we have made a step toward national security, but I am, like my good friend

from Florida and a number of other of my colleagues, somewhat frustrated and distraught that, based upon the recent reflection of the former Inspector General of the U.S. Homeland Security Department; I want to remind my colleague that the IG's office is an independent office that is not to be tainted by any partisan politics. They indict in a bipartisan way. They criticize without partisanship. They call a spade a spade. They suggest what can be fixed, and they try to create an atmosphere in which we can improve the conditions in which that department operates.

The Inspector General of the U.S. Homeland Security Department has said that the container security initiative is a complete failure; it does not work. I think the American people need to know that.

So the frustration is that we were bipartisan in the committee, and I know our good friends know that by supporting the gentlewoman from Florida's amendment, but we could not get the Nadler-Markey amendment that a number of us are cosponsors on. I am an original cosponsor of that amendment.

The issue that Mr. MARKEY and Mr. NADLER have raised on a continuous basis, but more importantly, forget about Members who may be described as having some partisanship, if you will, underlying the backdrop, but the Inspector General is saying that we are near the precipice of another horrible incident, and that incident could include a tanker full of weapons of mass destruction or a container full, which is what the Nadler-Markey amendment suggests, 100 percent scrutiny and clearing of the containers coming to our ports.

Let me just conclude by saying, let us see if we can find a way, vote for the motion to recommit, but let me just say that, in addition, I am grateful for an amendment that talks about including the congested neighborhoods near ports in the disaster training, but I am disappointed that an amendment that focuses on providing opportunity for minority, women-owned and small businesses in doing this disaster fix-up was eliminated.

Let us hope we can make a better bill, and let us hope we do that as we move this bill forward.

Mr. Speaker, I rise today to comment on the significant step forward toward national security and safety for our seaports that this bill represents. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that Members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

However, I remain distraught and angered by the fact that the rule under which we consider this bill today prevents a true democratic debate to take place, and limits participation in crafting this bill to be relevant both to all stakeholders and all Americans.

There are 15 amendments accepted in order, and I am thankful that one of my



amendments has been included in this list, including neighborhoods in at-risk areas surrounding a seaport.

However, this list should not be so exclusive. I find it hard to believe that the other 19 amendments were baseless enough to warrant exclusion from floor consideration.

I find it appalling that among the amendments declined was an amendment to preserve consideration of women- and minority-owned businesses in the Homeland Security grant program and an amendment that removes the restriction on the use of funds received through the Port Security Grant Program to pay for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan. Lastly, I am frustrated by the decision by the Rules committee to not allow debate on an amendment by Mr. MARKEY and Mr. NADLER that requires immediate attention and consideration.

Their amendment requires 100 percent of packages entering our Nation's ports to be scanned. We need to make sure the contents of a package are indeed what the paperwork says they are. While I support the Markey Amendment goal of 100 percent inspection of containers, I think it is also important for us to consider and pursue innovative technology and supplemental data gathering mechanisms to ensure that we are as informed as possible about the packages entering our country.

Nonetheless, this amendment was an opportunity to bring a crucial debate off the TV networks and out of the newspapers and onto the floor of the House of Representatives. I am disappointed that the Rules committee shut down this debate.

I urge my colleagues to vote against this rule which unfairly limits the involvement of fellow Members of Congress in protecting our seaports and preserving our homeland security.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Florida that the majority does not have any additional speakers at this time and that I would welcome any opportunity that he would have to utilize his time up with the knowledge that I then would close as appropriate.

Mr. HASTINGS of Florida. Mr. Speaker, I appreciate my friend for that. Would the Speaker advise how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. HASTINGS) has 8 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the most distinguished gentleman from Massachusetts (Mr. MARKEY), who has advanced this legislation in a meaningful way, whose amendment was not, I repeat, was not allowed.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Mr. NADLER, Mr. OBERSTAR and I requested an amendment to be put in order, and the Republicans said no. In the former Soviet Union, there is deadly nuclear weapons material that is still unsecured that al Qaeda could purchase, bring to a port in Europe, in Asia, in Africa, put it on a ship and

bring it into the port of the United States and detonate a nuclear weapon without ever having been inspected.

Now, the amendment which we asked the Republicans to put in order was one that required all containers coming into the United States to be screened overseas before they are put on ships to come into American ports so that we can identify which ship has the nuclear weapon.

In the Homeland Security Committee, our amendment lost 18-16. The Republican majority refuses to allow the coastal representatives to vote on this issue.

We should have learned something from the Dubai debacle, the threat to our container ships coming into our ports. Our amendment says no deadly uranium bombs allowed in, no Dubais. The Republican majority says, we are not going to screen any containers coming into the ports of the United States.

It is dangerous. The least that we should be able to say when that nuclear weapon goes off is that we tried, we really tried to prevent it from happening. The Republicans are not only not trying to stop it from happening; they are stopping us from having a debate on the floor of Congress on this issue.

This is the issue that is at the top of the al Qaeda terrorist target list, to bring a nuclear weapon into the port of an American city. And instead of allowing for this debate to take place, they are saying they cannot figure it out. They are going to study it for three more years. So that will mean we went from 2001 to 2009 studying this issue.

When the Soviet Union threatened the United States in 1961 with Sputnik, President Kennedy did not say, we are going to study it until 1969. He said, we will put a man on the Moon and bring him back to Earth; we will control the heavens, not the Communists.

What the Republicans with the Bush White House say is, they are going to study the issue of the greatest al Qaeda threat to our country, a nuclear bomb in a container in a port in the United States. They are going to study it for all 8 years, 2001 to 2009. President Kennedy said, rocket science, we will master it. The Republicans say, we cannot even figure out how to screen a container; we cannot even figure out how to put a tamper-proof seal on a container.

The price our country will pay will be too high a price. It will be the most horrendous event in the history of our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), my good friend.

Mr. DEFAZIO. I thank the gentleman for the time.

This is "let's pretend" time. Let's pretend this is a fair process when a meaningful amendment that lost only

by two votes in committee to screen 100 percent of the containers coming to America is not allowed. Are we afraid of the democratic process here on the floor?

Let's pretend that the unverified paperwork certification of shippers, C-TPAT and CIS, are meaningful and provide real security despite the numerous reports we have about their extraordinary failures, including the most recent one where a C-TPAT, CIS-based company and port provided 15 Chinese in a container delivered to the United States of America. That could have been 15 tactical nuclear weapons in that container instead of people attempting to sneak into the United States.

Here is how it works: you are a foreign company. You want to ship to the U.S. You go online on your computer. You fill out a form online. You immediately get the score of your products and your shipping reduced to the United States of America. It no longer is as much of a threat because you filled out a form online, whoever you might be; you might be Osama bin Laden in a cave, we don't know.

Okay. Well, then we are going to send someone around to certify you are who you said you are and you really have the paperwork plan you told us you have. Unfortunately, we do not have enough people to do that. It will be 1 to 3 years before either a U.S. inspector or a contractor comes by for one day, one time, to make sure you are not a bad guy and you might not ship bad things here.

That is quite a system. That is C-TPAT. It is a faith-based honor system. Here it is: they will send us a manifest. Now a manifest says 100 concrete bird baths, but what if it is 99 concrete bird baths and one tactical nuclear weapon? Well, they are in the C-TPAT program; they would not phony up a manifest. Of course, again, you have 6 months to adjust your manifest after your product arrives in the United States because you know everybody says manifests are not accurate.

We do not know who the people are, and the manifests are not accurate, but that's the security we have today.

The Deputy Secretary of TSA, Mr. Jackson, admits there is a risk. He says, well, they do not want to screen all the containers on the other side of the ocean, even though the technology exists. Despite what the gentlewoman from Florida said, it exists, it works and it does not unduly delay. You can drive by it at 10 miles per hour.

He says the vision of the Bush administration is, they are going to screen ultimately, with technology, 100 percent of the containers before they leave United States ports for the interior of the U.S., but they might contain threats. Now, wait a minute. We are going to put them in our ports, but we think they might have threats, but we will inspect them before they go inland? I guess the ports are sacrifice zones. I guess most of our ports are in

blue States. No, Florida was a red State. I am not sure why they want to sacrifice those ports in those States.

This is extraordinary to me that we are not being allowed this one simple amendment, and let us pretend that they are not under unbelievable pressure from Wal-Mart and other shippers of goods to the United States to not do anything meaningful because it will cost a couple of bucks more per container.

□ 1845

Mr. SESSIONS. Mr. Speaker, I have no further speakers at this point and would encourage the gentleman from Florida, if he would choose to close at this time, to do that.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rules so the House can vote on important amendments offered by Homeland Security Ranking Member THOMPSON and Representative LANGEVIN to increase security at our Nation's ports. Rules Committee Republicans rejected these amendments when we met last night.

The amendment would add 1,600 new Customs and Border Protection Officers at our Nation's ports. We cannot conduct more container inspections at our ports if we do not have more people. The goal of the Langevin amendment is to make sure that these Customs officials working in our ports are using the best available technology. It authorizes funds to speed up the installation of radiation portal monitors in domestic ports of entry.

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

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it just seems like common sense to me that if you want to make port facilities safer, you put more Customs officials on the ground and give them better equipment to detect and stop terrorist attacks. Unfortunately, the Rules Committee has decided that the House is not going to debate these ideas, and in my judgment, that is a shame. Members should be aware that a "no" vote will not prevent consideration of the SAFE Port Act, and it will not affect any of the amendments that are in order under this rule. But a "no" vote will allow us to vote for these responsible amendments to increase security at our Nation's ports. I urge my colleagues to vote "no" on the previous question.

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

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida for articu-

lating the Democrats' side this afternoon. Mr. Speaker, we understand what they are saying. We get it. As a matter of fact, there have been these debates now for several years, and this House, time and time again, has said that we support a risk-based funding approach. Risk-based.

We have already shown this where Democrats have voted. In the PATRIOT Act reauthorization, 44 Democrats voted for that; first responder authorization, 181 Democrats; Homeland Security appropriations bills, 194 Democrats; and then, on the conference report, 124 Democrats; and then in the 2004 intelligence reform bill, 183 Democrats.

Mr. Speaker, we do not say this bill is perfect. What we try and do is aim the resources, the precious resources combined with the technology and the desire that the United States of America has to support the efforts of protecting this country, not only in our ports, on our borders, in our cities, and in the intelligence that we do. And time in and time out, we have said we are going to be threat-based. Where the threat is, that is where we will put our resources. And a 100 percent check of all the cargo that goes in and out of our ports is simply unrealistic.

What is realistic, that overwhelmingly has been supported by this House, that I believe once again this House will be on record to support, is the thing that works, and that is to not chase our tail but to look at where the threat exists. That is what this committee has done. That is what the Rules Committee has done. I am proud to say that we have a fair and balanced rule. I am proud to say that the underlying legislation that has been supported by these two committees is threat-based, aims directly at a bipartisan approach and, more importantly, is something that will make us a little bit safer now and in our future.

Mr. Speaker, I am proud of what we have done today, and I think this House will support that. I urge all my colleagues to support this rule and the underlying legislation to give the Department of Homeland Security the tools and the direction it needs to keep America's shores free from the threat of terrorists.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 739—RULE ON H.R. 4954—THE SAFE PORT ACT

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution the two amendments specified in section 3 shall be in order as though printed after the amendment numbered 15 in the report of the Committee on Rules.

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

An amendment offered by Representative Thompson of Mississippi or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled, by the proponent and an opponent.

AMENDMENT TO H.R. 4954, AS REPORTED OFFERED BY MR. THOMPSON OF MISSISSIPPI

Page 44, after line 9, insert the following new section:

SEC. 127. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS AT UNITED STATES SEAPORTS.

(a) IN GENERAL.—For the period beginning on the date of the enactment of this Act and ending September 30, 2010, the Secretary of Homeland Security shall hire approximately 1,600 additional Customs and border Protection officers for assignment at United States seaports.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$67,617,200 for each of the fiscal years 2007 through 2010 to carry out this section.

An amendment offered by Representative Langevin of Rhode Island or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

AMENDMENT TO H.R. 4954, AS REPORTED OFFERED BY MR. LANGEVIN OF RHODE ISLAND

Page 103, after line 11, insert the following new paragraphs:

"(4) ADDITIONAL REQUIREMENTS.—The Director shall make the following determinations in developing and executing the acquisition strategy under this subsection:

"(A) A determination of the ports of entry at which the detection systems will be deployed using a risk analysis of all United States ports of entry.

"(B) A determination of the types of detection systems to be deployed at the ports of entry determined under subparagraph (A), including—

"(i) radiation portal monitors;

"(ii) advanced spectroscopic radiation portal monitors;

"(iii) mobile radiation detection systems; and

"(iv) human portable radiation detection systems.

"(C) A determination of the cost of the detection systems described in subparagraph (B) and a timeline for the deployment of such systems.

"(D) A determination of the cost to implement the strategy.

"(5) REPORT.—Not later than 90 days after the date of the enactment of the Security and Accountability For Every Port Act, the Director shall submit to the appropriate congressional committees a report that contains the acquisition strategy developed pursuant to this subsection."

Page 111, line 25, strike "\$536,000,000" and insert "\$653,000,000".

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March



15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SMITH of Texas. Mr. Speaker, I support this rule and the underlying legislation.

We all know that port security has been news across the United States in recent weeks, and it should be.

The U.S. ports are on the front lines of homeland security. My home state of Texas has several major seaports, including Galveston, Brownsville and Houston, that offer potential routes for dangerous cargo and terrorist weapons.

This bill, the SAFE Ports Act of 2005, will help ensure that Americans feel confident that the U.S. Government is protecting them from yet another threat.

It does so by imposing security requirements on overseas shippers and ports where cargo starts its journey to the United States, on cargo transportation while enroute to the United States, and at the ports within the United States—the last staging area before cargo makes its way into the country.

Also, this bill requires the Department of Homeland Security Secretary to employ standards for sealing all containers entering the United States within two years of enactment. It

also requires the Secretary to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007.

These are good ways to ensure port security, and there are many more included in the bill.

I thank Chairman KING of Iowa, Chairman DANIEL E. LUNGREN of California, and ranking member HARMAN for their work on much-needed legislation, and urge my colleagues to support the Rule.

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.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4881

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill H.R. 4881.

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

There was no objection.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Larson of Connecticut moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today on behalf of my Democratic colleagues to offer a motion to instruct the House conferees on the tax cut reconciliation conference committee.

This motion has two simple yet important provisions. First, it closes over \$5 billion in unneeded tax loopholes and subsidies for oil companies. It eliminates the "last in/first out," LIFO, accounting method for oil companies, which amounts to \$4.3 billion over the next 10 years. It prohibits oil companies from writing off costs associated with oil and gas exploration, which is about \$292 million over the next 10 years. It limits the foreign tax credit that companies receive for the taxes they pay to oil-producing countries.

This rollback amounts to, for oil companies, a mere \$540 million a year and \$135 million each quarter.

To put this in appropriate perspective, this represents approximately 1.6 percent of Exxon's first-quarter profits in 2006 alone. Second, it ends the extension of lower capital gains and dividends tax rates.

We offered this motion last week. The distinguished gentleman from Washington State put forward the amendment in the motion because of the way that Americans are being hit this time both at the gas pump and again because we hoped that the other side would join us in this effort. Unfortunately, only nine Republicans voted for the motion, and it failed 190-232.

We offer this again because the American people simply cannot understand why their government would hand billions in tax breaks and subsidies to an oil industry that by all measures is enjoying an unprecedented level of success. In fact, last week, President Bush discussed his plan to address the rising price of gas and oil.

During his remarks the President stated, "Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies do not need unnecessary tax breaks. I am looking forward to Congress to take about \$2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up, taxpayers do not need to be paying for certain of these expenses on behalf of energy companies."

Now, if the President of the United States can call for this, it just seems logical to those of us on this side of the aisle that Congress ought to be able to join with the other body. This body ought to embrace what the Senate has already done and concluded, and be in harmony with the Senate and the President of the United States.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, talking about helping our companies, the energy bill that my opponent referred to