

1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Sherman amendment No. 14.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER KUCINICH AMENDMENT NO. 11 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Kucinich amendment No. 11.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 12 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 12.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 13 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 13.

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

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1684.

□ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mrs. JONES of Ohio (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 110-136 by the gentleman from Maryland (Mr. VAN HOLLEN) had been disposed of.

AMENDMENT NO. 19 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 110-136.

Ms. CASTOR. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. CASTOR:

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

SEC. 1122. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM.

The Secretary of Homeland Security shall work with the State of Florida and other States, as appropriate, to resolve the differences between the Transportation Worker Identification Credential and existing access control credentials.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Madam Chair, I rise today in support of this amendment. My amendment requires the Department of Homeland Security to work with the State of Florida and other States, if necessary, to resolve the differences between the Federal Transportation Worker Identification Credential, known as the TWIC, and Florida's existing access control card.

You see, shortly after 9/11, the State of Florida enacted a law requiring a centralized biometric credential for workers in deepwater ports in the State of Florida, including the three ports in my district in the Tampa Bay area.

This credential is known as the Florida Uniform Port Access Credential, or FUPAC. At the port of Tampa, we have credentialed over 39,000 port workers and the State of Florida has credentialed over 100,000 port workers throughout the State. This means that the FBI and the Florida Department of Law Enforcement have conducted extensive background checks.

Meanwhile, the Federal TWIC, which was first mandated in the Maritime Transportation Security Act, was not finalized by the Department of Homeland Security until just a few months ago.

The criteria in the FUPAC and the TWIC greatly duplicate each other. The Federal Government and the State of Florida must reconcile these credentials to ensure that our resources go to make our neighbors and our ports safe rather than satisfy bureaucratic red tape.

The Florida Ports Council says that this issue and its resolution will have a profound effect on both the viability of our maritime businesses and the security of Florida's ports.

As long as proper security requirements are being met, as they are with Florida's port credential, we need to spare the working folks who keep our ports moving from having to bear the burden and expense of undergoing unnecessarily duplicative background checks.

The amendment offered today requires that the Department of Homeland Security work with the State of Florida to resolve inconsistencies and avoid unnecessary duplication between the TWIC and the FUPAC.

I urge my colleagues to support this amendment which will aid Florida's strong maritime economy and ensure that valuable resources go to keeping our neighbors and our ports safe rather than to unnecessary bureaucratic red tape.

Madam Chair, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim time in opposition to the amendment, even though I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Chair, I thank the gentleman.

I rise in strong support of the Castor amendment to the Homeland Security authorization bill.

I have worked long and hard to coordinate the agreement between TSA and Florida on their respective worker ID cards for screening port workers. TSA has been dragging their feet, unwilling to compromise so that Florida does not have to discontinue its own card. It wasn't until Senator Paula

Dockery, who shares some of my constituents, reached out to me that the TSA finally began to respond and started negotiations. Senator Dockery is now chairman of the committee that I chaired when I was in the Florida Senate, so I am very familiar with the biometric ID program. That is why she reached out to me.

Right now, congressional intervention has made sure that they are talking. There is still only one remaining sticking point. I am cautiously optimistic that we can work this out so Florida can be confident that TSA's Transportation Worker ID card is secure enough for our precious ports.

Florida has a great system, and TSA needs to recognize that and know that, if anything, Florida's system is above and beyond what TSA is looking at.

This amendment commits TSA to continuing the work my colleagues and I have already accomplished, getting TSA to sit down and talk to Florida. Most of the issues have been worked out. I am pleased to support this amendment.

Ms. CASTOR. Madam Chair, I reserve my time to close.

Mr. KING of New York. Madam Chair, I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Chair, I rise in support of the Castor amendment to H.R. 1684. This amendment directs the Department of Homeland Security to work with my State of Florida to resolve differences between its ports access control credential and its Federal counterpart, the Transportation Worker Identification Credential, or the TWIC card.

Florida has been a national leader in developing its own credential, entering into an agreement with TSA in 2003 to implement this TWIC prototype. Florida's card is largely interchangeable with the TWIC. However, there are questions about the ability to integrate Federal requirements with Florida's standards.

I cannot stress enough the importance of resolving this issue so that maritime workers in my State do not have to obtain multiple cards and separate card readers for the same purposes.

I met with TWIC program officials on this matter and, during a hearing of my Transportation Security and Infrastructure Protection Subcommittee last month, asked them to delay implementation of the TWIC card in Florida until this issue can be satisfactorily resolved.

Although I am optimistic that we are moving in the right direction toward a resolution on this matter, I commend the gentlewoman from Florida for offering this amendment which will reinforce our State's bipartisan resolve to fix this problem.

I urge my colleagues to support this amendment.

Mr. KING of New York. Madam Chair, I want to thank the gentlewoman from Florida for her amend-

ment and urge its adoption, and I yield back the balance of my time.

Ms. CASTOR. Madam Chair, in closing, I would like to thank Chairman THOMPSON and all of the hard-working members and staff of the Homeland Security Committee, and thank my colleagues from Florida, Ms. GINNY BROWN-WAITE and Mr. BILIRAKIS, for their bipartisan efforts to solve this problem. I urge adoption of the amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. LAMPSON

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 110-136.

Mr. LAMPSON. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. LAMPSON:

In section 303, before the first sentence insert "(a) AUTHORIZATION OF APPROPRIATIONS.—", and add at the end the following:

(b) ASSISTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

(1) IN GENERAL.—An Inspector General of the Department of Homeland Security appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to use funds authorized under subsection (a) to assist the National Center for Missing and Exploited Children, upon request by the Center—

(A) by conducting reviews of inactive case files that the Inspector General has reason to believe involve a child or possible offender located outside the United States, and to develop recommendations for further investigations; and

(B) by engaging in similar activities.

(2) LIMITATIONS.—

(A) PRIORITY.—An Inspector General may not permit staff to engage in activities described in paragraph (1) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(B) FUNDING.—No additional funds are authorized to be appropriated to carry out this paragraph.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Madam Chair, I yield myself such time as I may consume.

I thank Chairman THOMPSON for the opportunity to offer an amendment to the DHS authorization bill.

My amendment would authorize the Department of Homeland Security Inspector General to assist the National Center for Missing and Exploited Children in conducting reviews of inactive case files. Upon the Center's request, the Inspector General may assist in resolving cases involving a child or an al-

leged offender located outside of the United States.

Federal Inspectors General have recognized that they could help the National Center in a very unique way not covered under present partnerships. They envision using the talent and expertise of the IG community's cadre of special agent criminal investigators to review old, unresolved cases in the hope of identifying new leads.

Passage of this amendment would allow IGs, when they are not otherwise engaged in meeting their obligations under the Inspector General Act, to assist in bringing closure to many suffering families. Allowing the Inspector General the authority to provide this limited service could aid in identifying perpetrators and ultimately to the recovery of missing children.

This proposal requires no additional funding since it would only authorize Inspectors General to provide assistance to the National Center, as resources are available. I hope this amendment will lay the groundwork for future legislation authorizing IGs from other agencies to assist the National Center in resolving cold cases domestically.

Again, I thank you for the opportunity to offer my amendment. I encourage my colleagues to support this effort to bring our children home.

Ms. JACKSON-LEE of Texas. Madam Chair, will the gentleman yield?

Mr. LAMPSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his ongoing leadership on this issue. Since he started in the United States Congress many years ago, he has led out on this issue.

I want to simply refer my colleagues to the idea of imagining the horror of your child being missing, and imagine your child has been missing for so long that his case is declared inactive. Now think about where you would turn if you thought your missing child was in a foreign country. The only parents who do not fear that scenario are those who already live it.

So this idea of using the Department of Homeland Security, which should be certainly interested in securing our children, is an important step and certainly an important responsibility for the Inspector General.

I would suggest that when we think of security we think of children lost overseas or taken overseas. There is no better agency that could utilize its Inspector General facilities and resources to be able to help those families who are deeply suffering.

I want to thank the gentleman for yielding to me. I don't imagine any of us could imagine the need for the resources of DHS checking passengers, checking passports, interacting with the international law enforcement, could not imagine a better use of our time than supporting the gentleman's amendment and allowing the Inspector General to participate in this very important project.

I support this amendment.

This amendment will allow the Inspector General of the Department of Homeland Security to conduct reviews of "cold cases" stored at the National Center for Missing and Exploited Children when the children or the offenders are located outside of the U.S.

This amendment would permit the Inspector General to provide assistance and develop recommendations for further investigation of these hard to solve cases.

A missing child is the anguish of every parent and a concern to every caring adult.

Imagine the horror of your child being missing. Imagine that the child has been missing for so long, that its case is declared "inactive." Now think about where you would turn if you thought your missing child was in a foreign country.

The only parents who would not fear this scenario are those who already live it.

In the creation of the Department of Homeland Security, DHS assumed responsibility for border protection.

Many people may not understand how border protection intersects with missing children. I can tell you that as our inspectors check passengers entering and leaving the United States, they have the opportunity to identify missing children and their abductors.

Those employees of homeland security who are responsible for protecting our borders and assuring that terrorists do not enter this country also play a role in assuring that children who are leaving this country are in the company of a parent or legal guardian.

But when efforts to intercept and detain a child abductor fail, more is lost than just one child.

According to the National Center for Missing and Exploited Children (NCMEC) thousands of American children are illegally transported from the United States every year.

Through this amendment, we will add one more weapon in our arsenal to safeguard America's children.

By bringing to bear the investigative abilities and fresh insights of the Inspector General to these cases we can help resolve these cases that others have given up on.

I urge my colleagues to support this amendment.

□ 1715

Mr. LAMPSON. Reclaiming my time, I thank the gentlewoman for her comments. There are some astounding statistics associated with this. More than 1,000 children a year taken out of the country, and over time, many of them grow cold. This is a perfect opportunity to allow a good agency who wants to help to be able to do so.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Madam Chair, I yield myself the balance of the time just to say that we have no objection to the gentleman's amendment. I commend him on it, and I yield back the balance of my time.

Mr. LAMPSON. Madam Chair, this is an excellent piece of legislation that

will help many children be brought back home and families reunited.

I thank everyone, all of our colleagues, for consideration of this and urge support.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110-136.

Mr. ROYCE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. ROYCE:

At the end of title IX, add the following new section:

SEC. 9 . STOLEN AND LOST TRAVEL DOCUMENT DATABASE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of United States Customs and Border Protection, shall, as expeditiously as possible, implement at primary inspection points at United States ports of entry the Stolen and Lost Travel Document database managed by Interpol.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation required under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Madam Chair, I yield myself such time as I may consume.

What I wanted to share with this body is that Ramzi Yousef used a stolen passport to carry out the murderous attack that was conducted on the World Trade Center back in 1993. He used that stolen passport to enter the United States and claim asylum and then carry out that attack.

Three years after the 9/11 Commission recommended that our border officers have access to Interpol's lost and stolen passport data as an automatic check at our ports of entry, we still do not have a situation where we are utilizing that data, and this amendment would change that.

Now, there are many, many examples in Europe where these stolen passports have created a crisis. Fraudulent passports were used in the 2004 Madrid bombing. In the 2005 London subway attacks, again, stolen passports were used, and as argued recently in congressional testimony by the Secretary General of Interpol, and I will quote from that testimony before the Senate, "Terrorist use of fraudulent travel documents was one of the most dangerous

gaps in global security back around the time of September 2001. Unfortunately, it still is today."

I can share with you as the ranking member of the Foreign Affairs Subcommittee on Terrorism Non-Proliferation and Trade, this remains a concern.

It has been a concern for Interpol since 2002. They started their stolen and lost travel document database at that time. There were several thousand passports that were stolen in blank form. This was a particular problem. They posed a severe threat, given that these can be easily made into bogus passports that are very, very easy to use and difficult for law enforcement to detect. A stolen blank passport from a visa waiver country raises the stakes, of course, because the holder is subject to considerably less scrutiny because it is a visa waiver country. So, if you look at the number of hits last year, 2,543, generated by Interpol's database, 62 percent were from visa waiver countries.

So the United States, we have some access to stolen passport information through our own systems and through bilateral agreements, but there is a gaping hole here. We need access to this system. There are 2½ million stolen passports that are not on our radar screen.

This amendment then would ensure that DHS implement the Interpol stolen passport database at primary inspection points at U.S. ports of entry. The system developed by Interpol would enable U.S. border security officials to check the passport database at the port of entry. The same swipe of the passport would check the Interpol database with a simultaneous check of the appropriate U.S. database. That is going to enhance our security.

I will just share with the members of this body that the Swiss now use this; 20,000 Swiss officers conduct between 300,000 and 400,000 database searches every month, and every month they detect over 100 people attempting to enter their country with stolen passports. The French have the same experience.

It is very important that the U.S. access this database, and that is what this amendment will do.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. For the purpose of support only, I am in support of Mr. ROYCE's amendment. The database created by Interpol has proven to be very, very successful. The Swiss presently use the database provided by Interpol. They stop some 100 persons entering into that country per month. For the life of me, I cannot understand why CBP will not use it.

It is a commonsense amendment. I trust the Department, once we approve

it and ultimately pass the legislation, will follow the directions of Congress.

So I support the Royce amendment in its present form.

Imposters who would do us harm prize fraudulent passports as a way to gain entry into our country under false identities in order to carry out criminal or terrorist activities.

INTERPOL has created a "Stolen and Lost Travel Document" (SLTD) database to provide valuable and timely information about passports reported lost or stolen to database users in order to intercept imposters and assist law enforcement.

In the last couple of years, INTERPOL has populated its SLTD database with millions of passport numbers that were reported lost or stolen.

Receiving real-time reporting of lost and stolen passports would allow us to detect these imposters and prevent their entry into the U.S.

Other countries that use INTERPOL's SLTD database have been successful in intercepting imposters.

For example, the Swiss, have been stopping over 100 attempted entries per month using fraudulent passports since December 2005 on the basis of the real-time information INTERPOL has provided.

Yet, at U.S. Ports of Entry, Customs and Border Protection inspectors do not yet have access to INTERPOL's database at primary inspection, so this valuable anti-terrorism tool remains unavailable for screening persons trying to enter the U. S.

This amendment would require CBP to provide its inspectors access to INTERPOL's SLTD database at primary inspection within one year.

CBP has already declared that it intends to implement use of INTERPOL's SLTD database as soon as possible; this amendment will ensure this takes place.

Support the Royce Amendment.

Mr. ROYCE. Madam Chairman, if I could just sum up on my time, again, the 9/11 Commission recognized the importance of Interpol's database. Janice Kephart, who was a counsel to the 9/11 Commission, testified recently that U.S. support and engagement with Interpol is key to fully implementing the 9/11 Commission recommendations on terrorist travel.

I would just also share with the body that yesterday we dodged a bullet. It is significant that there have been no terrorist attacks against our country since 9/11, but yesterday's disrupted plot shows there is much work left to be done.

Adoption of this database will help combat the threat of terrorists and criminals crossing our borders. I urge its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The amendment was agreed to.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RAHALL) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, pursuant to House Resolution 382, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Thompson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: " , excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: " , consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

"(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing."

In the proposed section 707(c), strike "reporting to" and insert "coordinating with".

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after "submit to the Committee on Homeland Security" the following: "and the Committee on Transportation and Infrastructure".

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

"(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing."

In section 301(c), after "submit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert " , the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert " , the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after "congressional homeland security committees" the following: "and other appropriate congressional committees".

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after "require the contractor to submit" insert the following: "past performance".

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike "the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))" and insert "the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))".

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike "the Department of Homeland Security shall consider" and insert "The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,".

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike "The Secretary" and insert "Consistent with any applicable law, the Secretary".

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) **COMPTROLLER GENERAL REPORT.**—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) A detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after "transmit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In section 504, strike subsection (b) and insert the following:

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after "statutes" the following: "and Office of Personnel Management Regulations and Guidelines".

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

"(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;"

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike "to monitor critical information infrastructure" and insert "for ongoing activities to identify threats to critical information infrastructure".

In section 702(c)(2), insert after "Standards and Technology," the following: "the Department of Commerce,".

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike "maximum".

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after "the project may" insert the following: "subject to the availability of appropriations for such purpose,".

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) **AUTHORITY.**—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) **INTERFERENCE WITH FEDERAL PROGRAMS.**—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) **CONFIDENTIALITY OF TEST RESULTS.**—The results of tests performed with services

made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) **FEEES.**—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) **USE OF FEEES.**—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) **OPERATIONAL PLAN.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate fee, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) **REPORT TO CONGRESS.**—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) **GAO.**—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as "SEVP") and specifically the Student and Exchange Visitor Information System (referred to in this section as "SEVIS"). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors

and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there are any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) **APPOINTMENT AUTHORITY.**—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike “and immigration status databases”.

In the heading for section 1103, as so redesignated, strike “and immigration review”.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

“(3) **EXCLUDED PROGRAMS.**—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).”

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) **REQUIREMENT.**—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) **CONSULTATION.**—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) **REPORT.**—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) **DEFINITIONS.**—As used in this section—

(1) each of the terms “architectural”, “engineering”, “surveying”, and “mapping”—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or man-made physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term “critical infrastructure”—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of

such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) **MERGING REQUIREMENTS OF NEXUS AND FAST.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) **SPECIFIC REQUIREMENTS.**—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as “NEXUS Highway”, “NEXUS Marine”, and “NEXUS Air” are integrated into such a single procedure.

(b) **INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.**—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) **CREATION OF NEXUS CONVERTIBLE LANES.**—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) **CREATION OF REMOTE ENROLLMENT CENTERS.**—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) **CREATION OF MOBILE ENROLLMENT CENTERS.**—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) **ON-LINE APPLICATION PROCESS.**—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) **PROMOTING ENROLLMENT.**—

(1) **CREATING INCENTIVES FOR ENROLLMENT.**—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) **CUSTOMER SERVICE PHONE NUMBER.**—In order to provide potential applicants with

timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) **PUBLICITY CAMPAIGN.**—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) **TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.**—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) **PROGRAMS.**—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) **TRAVEL TO CANADA AND MEXICO.**—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

“(3) **PASS CARD INFRASTRUCTURE.**—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

“(4) **FLEXIBLE IMPLEMENTATION PERIOD.**—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

“(5) **SPECIAL RULE FOR CERTAIN MINORS.**—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States

from Canada, Mexico, Bermuda, or the Caribbean at any port of entry along the international land or maritime border of the United States.

“(6) **SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.**—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

“(7) **PUBLIC OUTREACH.**—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

“(8) **COST-BENEFIT ANALYSIS.**—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.”.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

The **SPEAKER** pro tempore. The question is on the amendment.

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

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 209, not voting 12, as follows:

[Roll No. 316]

YEAS—212

Abercrombie	Capps	Davis (AL)
Ackerman	Capuano	Davis (CA)
Allen	Cardoza	Davis (IL)
Andrews	Carahan	Davis, Lincoln
Arcuri	Carney	DeFazio
Baca	Carson	DeGette
Baird	Castor	Delahunt
Baldwin	Chandler	DeLauro
Becerra	Clarke	Dicks
Berkley	Clay	Dingell
Berman	Cleaver	Doggett
Berry	Clyburn	Doyle
Bishop (GA)	Cohen	Edwards
Bishop (NY)	Conyers	Ellison
Blumenauer	Cooper	Emanuel
Boucher	Costa	Eshoo
Boyd (FL)	Costello	Etheridge
Boyd (KS)	Courtney	Farr
Bralley (IA)	Crowley	Frank (MA)
Brown, Corrine	Cuellar	Gillibrand
Butterfield	Cummings	Gonzalez

Gordon	Maloney (NY)	Salazar
Green, Al	Markey	Sánchez, Linda
Green, Gene	Matsui	T.
Grijalva	McCarthy (NY)	Sanchez, Loretta
Gutierrez	McCollum (MN)	Sarbanes
Hall (NY)	McDermott	Schakowsky
Hare	McGovern	Schiff
Harman	McHugh	Schwartz
Hastings (FL)	McIntyre	Scott (GA)
Herseth Sandlin	McNerney	Scott (VA)
Higgins	McNulty	Serrano
Hill	Meehan	Sestak
Hinchey	Meek (FL)	Shea-Porter
Hinojosa	Meeks (NY)	Sherman
Hirono	Melancon	Sires
Hodes	Michaud	Skelton
Holden	Miller (NC)	Slaughter
Holt	Miller, George	Smith (TX)
Honda	Mollohan	Smith (WA)
Hooley	Moore (KS)	Snyder
Hoyer	Moore (WI)	Solis
Inslee	Moran (VA)	Spratt
Israel	Murphy (CT)	Stark
Jackson (IL)	Murtha	Stupak
Jackson-Lee	Nadler	Sutton
(TX)	Napolitano	Tauscher
Jefferson	Neal (MA)	Taylor
Johnson (GA)	Oberstar	Thompson (CA)
Jones (OH)	Obey	Thompson (MS)
Kagen	Oliver	Tierney
Kanjorski	Ortiz	Towns
Kaptur	Pallone	Udall (CO)
Kennedy	Pascarell	Udall (NM)
Kildee	Pastor	Van Hollen
Kilpatrick	Paul	Velázquez
Kind	Payne	Vislosky
Klein (FL)	Pelosi	Walz (MN)
Kucinich	Perlmutter	Wasserman
Lampson	Peterson (MN)	Schultz
Langevin	Pomeroy	Waters
Lantos	Price (NC)	Watson
Larsen (WA)	Rahall	Watt
Lee	Rangel	Weiner
Levin	Reyes	Welch (VT)
Lewis (GA)	Rodriguez	Wexler
Lipinski	Ross	Wilson (OH)
Loeb sack	Rothman	Woolsey
Lofgren, Zoe	Roybal-Allard	Wu
Lowe y	Ruppersberger	Wynn
Lynch	Rush	Yarmuth
Mahoney (FL)	Ryan (OH)	

NAYS—209

Aderholt	Crenshaw	Hayes
Akin	Cubin	Heller
Alexander	Culberson	Hensarling
Altmire	Davis (KY)	Herger
Bachmann	Davis, David	Hobson
Bachus	Davis, Jo Ann	Hoekstra
Baker	Davis, Tom	Hulshof
Barrett (SC)	Deal (GA)	Hunter
Barrow	Dent	Inglis (SC)
Bartlett (MD)	Diaz-Balart, L.	Issa
Barton (TX)	Diaz-Balart, M.	Jindal
Bean	Donnelly	Johnson (IL)
Biggert	Doolittle	Johnson, Sam
Bilbray	Drake	Jones (NC)
Bilirakis	Dreier	Jordan
Bishop (UT)	Duncan	Keller
Blackburn	Ehlers	King (IA)
Blunt	Ellsworth	King (NY)
Boehner	Emerson	Kingston
Bonner	English (PA)	Kirk
Bono	Everett	Kline (MN)
Boozman	Fallin	Knollenberg
Boren	Feeney	Kuhl (NY)
Boswell	Ferguson	LaHood
Boustany	Flake	Lamborn
Brady (TX)	Forbes	Latham
Brown (SC)	Fortenberry	LaTourette
Brown-Waite,	Fossella	Lewis (CA)
Ginny	Fox	Lewis (KY)
Buchanan	Franks (AZ)	Linder
Burgess	Frelinghuysen	LoBiondo
Burton (IN)	Gallegly	Lucas
Buyer	Garrett (NJ)	Lungren, Daniel
Calvert	Gerlach	E.
Camp (MI)	Giffords	Mack
Campbell (CA)	Gilchrest	Manzullo
Cannon	Gillmor	Marchant
Cantor	Gingrey	Marshall
Capito	Gohmert	Matheson
Carter	Goode	McCarthy (CA)
Castle	Goodlatte	McCaul (TX)
Chabot	Granger	McCotter
Coble	Graves	McCrery
Cole (OK)	Hall (TX)	McHenry
Conaway	Hastert	McKeon
Cramer	Hastings (WA)	Mica

Miller (FL)	Rehberg	Stearns
Miller (MI)	Reichert	Sullivan
Miller, Gary	Reynolds	Tancredo
Mitchell	Rogers (AL)	Tanner
Murphy, Patrick	Rogers (KY)	Terry
Murphy, Tim	Rogers (MI)	Thornberry
Musgrave	Rohrabacher	Tiberi
Myrick	Ros-Lehtinen	Turner
Neugebauer	Roskam	Upton
Nunes	Royce	Walberg
Pearce	Ryan (WI)	Walden (OR)
Pence	Sali	Walsh (NY)
Peterson (PA)	Saxton	Wamp
Petri	Schmidt	Weldon (FL)
Pickering	Sensenbrenner	Weller
Pitts	Sessions	Westmoreland
Platts	Shadegg	Whitfield
Poe	Shays	Wicker
Porter	Shimkus	Wilson (NM)
Price (GA)	Shuler	Wilson (SC)
Pryce (OH)	Shuster	Wolf
Putnam	Simpson	Young (AK)
Radanovich	Smith (NE)	Young (FL)
Ramstad	Smith (NJ)	
Regula	Space	

NOT VOTING—12

Brady (PA)	Larson (CT)	Souder
Engel	McMorris	Tiahrt
Fattah	Rodgers	Waxman
Filner	Moran (KS)	
Johnson, E. B.	Renzi	

□ 1751

Mr. WALDEN of Oregon and Mr. JONES of North Carolina changed their vote from “yea” to “nay.”

Mr. HODES, Mrs. GILLIBRAND, and Mr. HILL changed their vote from “nay” to “yea.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that, under the rules of the House, rule XX, clause 2 states that the vote shall not be held open for the sole purpose of changing the outcome of the vote?

The SPEAKER pro tempore. It is true that, under clause 2(a) of rule XX, a vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true that, on the vote that was just taken, that at a point after the expiration of the time, that in fact the noes had prevailed and that individuals then changed their votes?

The SPEAKER pro tempore. In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome, on one hand, and activity that might have as its purpose the reversal of an already established

outcome, on the other. The Chair will state that this was an ongoing vote.

Mr. PRICE of Georgia. Final inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Is the Speaker able to inform the House as to the length of time that that vote was kept open?

The SPEAKER pro tempore. The Chair does not have that information.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DENT

Mr. DENT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DENT. I am in its present form.

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

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. DENT OF PENNSYLVANIA

Mr. Dent of Pennsylvania moves to recommit the bill H.R. 1684 to the Committee on Homeland Security with instructions that the committee report the same back to the House forthwith with the following instructions:

At the appropriate place in the bill, insert the following:

SEC. ____ AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) “The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.”;

(2) “Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.”;

(3) “The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.”;

(4) “A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires front-line border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.”; and

(5) “Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with

intelligence on indicators of terrorist travel.”.

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the “system”).

(c) ADMINISTRATIVE PROCESS TO CORRECT INFORMATION.—The Secretary, acting through the Commissioner, shall ensure that an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, if this Congress is serious, truly serious about implementing the recommendations of the 9/11 Commission, Members should vote in favor of this motion to recommit.

The 9/11 Commission told us that we needed to develop a better border security system. And, let me repeat. This amendment implements a key 9/11 Commission recommendation.

Specifically, the 9/11 Commission advised the President to direct the Department of Homeland Security to design a comprehensive screening system that would target particular identifiable suspects or indicators of risk and give border officials the resources to establish that people are who they say they are, intercept identifiable suspects and disrupt terrorist operations. They went on to say and conclude that targeting travel is at least as powerful a weapon against terrorists as targeting their money, and that is the 9/11 Commission Report, recommendation 14, page 385, and recommended that a terrorist travel intelligence collection and analysis program which had produced disproportionately useful results should be expanded.

The Automated Targeting System for Passengers is such a system, and this motion would reinforce our intention to see ATS-P utilized at all of our Nation's international border crossing points.

ATS-P is nothing new. It is already being utilized by U.S. Customs and Border Protection, or CBP. It has been authorized in several appropriations bills, and the Department of Homeland Security has testified before Congress about the program several times.

ATS-P does not violate anyone's constitutional rights. It is deployed only at the border. And Federal courts have said time and time again that screening people who are trying to enter our country at a port of entry is perfectly permissible under the fourth amendment.

All ATS-P does is collect information from available sources, the Treasury Enforcement Communications System, or TECS, and the Passenger Name Record databases, so that CBP can perform risk assessments of people trying to enter the United States.

ATS-P addresses a major software issue that had previously hampered border control efforts. TECS has existed since the 1970s but was written in a cumbersome programming language that was difficult for Border Patrol agents to access. ATS-P just makes it easier for CBP to make inquiries into this database.

The bottom line here is that ATS-P, after factoring in the available information, indicates to the Customs and Border Protection officer whether an international traveler should be flagged for additional screening or questioning. That CBP officer retains the discretion to do with that information as he or she pleases. But by giving advance notice of an investigatory lead, ATS-P allows the officer and the agency to operate more effectively, to engage in screening that is risk-based. It is not surprising, then, that CBP considers ATS-P to be the cornerstone of its targeting efforts at the border.

ATS-P has had notable successes. It has been credited with identifying persons of interest to border security officials in Atlanta, Minneapolis and Boston.

For all of us here in the Congress who are serious about border security, this motion, which supports the already existing ATS-P program, is an absolute no-brainer: It follows the recommendations of the 9/11 Commission. It provides needed information to CBP officers. It does not violate anyone's civil or constitutional rights. And, most importantly, it works. For all the reasons I have just stated, I ask respectfully that you vote in favor of the motion to recommit.

At this time, I yield to the ranking member of the Homeland Security Committee, Mr. KING of New York.

□ 1800

Mr. KING of New York. I thank the gentleman for yielding. I urge adoption of the motion to recommit.

The time has come for the majority party to follow through on its commitment to carry out the recommendations of the 9/11 Commission. This is a basic recommendation of the 9/11 Com-

mission. They have said it again and again. This an essential component.

Just as many provisions of the base bill were stripped out, now the majority, apparently, is opposing this, again, basic component of the 9/11 Commission.

The time has come. You stand with the Civil Liberties Union or you stand with the 9/11 Commission. We stand with the 9/11 Commission and urge the adoption of the motion to recommit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. ZOE LOFGREN).

The SPEAKER pro tempore. The gentleman may yield, but he may reclaim time as he sees fit.

Ms. ZOE LOFGREN of California. Mr. Speaker, this amendment is a bad idea.

In 1996, I think it was Congressman SENSENBRENNER who proposed the US-VISIT system. That was 11 years ago, and the US-VISIT is not yet fully implemented. That system is to biometrically check aliens who are entering the United States. I believe that to divert Homeland Security from that mission at this point would put our government at further risk.

We are promised by Homeland that US-VISIT will be completely implemented at airports by the end of this year. Land ports, they're not implementing. So I think it would be a huge mistake to start some new system when we haven't even implemented the Sensenbrenner plan from 1996.

I'd like to note further that in the body of the motion to recommit it suggests that it is true that the 9/11 hijackers were not admissible to the United States when they were admitted. But the inspectors at the airport didn't know that, not because of the biometric system. It was because the reasons for their inadmissibility lay in paper files on microfiche in a box in Florida.

We are about to receive a technology upgrade plan from USCIS. In fact, we have been told it is sitting at OMB today. What we need to do is to implement US-VISIT, integrate it with the new technology plan that is about to be brought online. It will be a dreadful mistake for the Congress to defer a Department that is not terrifically functional as is from this vital mission by creating still another program that will not actually do its job.

Mr. DENT. Will the gentlelady yield? Ms. ZOE LOFGREN of California. No, I will not. That will not actually do its job because we have failed to do the screening of aliens.

I would thank the chairman of the committee for yielding this brief time, and I would urge my colleagues not to divert the Department from the vital mission of implementing US-VISIT.

Mr. THOMPSON of Mississippi. Reclaiming my time, Mr. Speaker, for the

record, CBP filed a privacy notice act informing the public that they had been utilizing the Automated Targeting System, otherwise known as ATS, for 5 years without public notice. When I learned of the problems associated with ATS, I immediately joined hundreds of others by filing a comment.

Mr. DENT. Would the gentleman yield?

Mr. THOMPSON of Mississippi. I will not.

Filing a comment requesting that CBP take a second look at this program.

CBP has not re-issued a new notice, and the questions that I and many others have about ATS have not yet been answered. Until a new notice is released, I consider this program and this motion to recommit premature and the program itself highly questionable.

The amount of information collected by ATS and the fact that the information remains in the system for up to 40 years is reason enough to warrant a closer look.

The motion to recommit ignores the privacy act notice process that is under way, and I urge my colleagues to oppose it.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage of the bill.

The vote was taken by electronic device, and there were—yeas 264, nays 160, not voting 8, as follows:

[Roll No. 317]

YEAS—264

Aderholt	Brady (TX)	Cramer
Akin	Braley (IA)	Crenshaw
Alexander	Brown (SC)	Cubin
Altmire	Brown-Waite,	Culberson
Andrews	Ginny	Davis (AL)
Bachmann	Buchanan	Davis (KY)
Bachus	Burgess	Davis, David
Baker	Burton (IN)	Davis, Jo Ann
Barrett (SC)	Buyer	Davis, Lincoln
Barrow	Calvert	Davis, Tom
Bartlett (MD)	Camp (MI)	Deal (GA)
Barton (TX)	Campbell (CA)	Dent
Bean	Cannon	Diaz-Balart, L.
Biggert	Cantor	Diaz-Balart, M.
Bilbray	Capito	Dicks
Bilirakis	Carney	Donnelly
Bishop (UT)	Carter	Doollittle
Blackburn	Castle	Drake
Blunt	Chabot	Dreier
Boehner	Chandler	Duncan
Bonner	Coble	Edwards
Bono	Cohen	Ehlers
Boozman	Cole (OK)	Ellsworth
Boren	Conaway	Emanuel
Boswell	Cooper	Emerson
Boustany	Costa	English (PA)
Boyd (FL)	Costello	Everett
Boyd (KS)	Courtney	Fallin

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson

NAYS—160

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Clever
Clyburn
Conyers
Crowley
Cuellar
Cumings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt

Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb sack
Lucas
Lungren, Daniel
E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowe
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey

Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Lucas
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta

NOT VOTING—8
Brady (PA)
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris
Rodgers
Renzi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1825

Mr. GENE GREEN of Texas and Mr. LEVIN changed their vote from “yea” to “nay.”

Messrs. HARE, SESTAK, SIREs, ROSS, COURTNEY, COHEN, YARMUTH, HOLDEN, PERLMUTTER, MILLER of North Carolina, UDALL of Colorado, EMANUEL, SPRATT, ANDREWS, VAN HOLLEN, GORDON of Tennessee, DICKS, COSTA, UDALL of New Mexico, and Ms. HOOLEY changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report H.R. 1684 back to the House with an amendment.

I ask unanimous consent that title XII, the Maritime Alien Smuggling provision of the bill, as reported, be restored to the bill.

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

Mr. KING of New York. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Mr. Speaker, can the gentleman from Mississippi explain the nature of his unanimous consent request?

Mr. THOMPSON of Mississippi. Absolutely. Some Members have raised the issue about the Maritime Alien Smuggling provision of the bill, and we have decided if we can get unanimous consent, we will put it back in the bill, as originally approved by our committee. And we are asking unanimous consent to do it.

Mr. KING of New York. Mr. Speaker, regrettably, not being told in advance, I would have to object to the unanimous consent request.

Mr. THOMPSON of Mississippi. Mr. Ranking Member, there is somebody on your side who received notice of this.

Tierney
Towns
Velazquez
Viscosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

Mr. KING of New York. No one I am aware of has received notice. I am not trying to be disagreeable. This is the first I have heard of it.

Mr. HOYER. If the gentleman will yield, I believe we did give notice. My staff gave notice to the leader's staff, I believe. This came out of committee, as you know, unanimously. I think we are all for this provision. There was a jurisdictional issue raised. I think we have resolved that jurisdictional issue. I know that all your Members voted for it. I think most of our Members would want to vote for it, and we are certainly hopeful that we can move ahead and have this in the bill at this time.

I thank my friend for yielding.

Mr. KING of New York. Mr. Speaker, this is the first I have heard. All I heard from leadership staff several minutes ago was that there might be a unanimous consent request. We were not told any of the details of it whatsoever. I have not seen the language that is proposed to be put back in. And, again, regrettably, at this time, I would have to continue reserving the right to object.

Again, we had almost 20 minutes in the motion to recommit, and if someone would have shown it to us, we could have looked at it. We have not seen it. I have no idea what the language is.

Mr. HOYER. Will my friend yield?

Mr. KING of New York. I will yield, yes.

Mr. HOYER. I don't want to be cute about this, but this was the amendment that was offered by you, I don't mean you personally necessarily, but this was the amendment you just offered. It was not approved, not because we didn't favor it but because we had a jurisdictional issue on our side. And in light of the fact that it is your amendment that you offered and it is an amendment which I think will pass the House handily, I would hope that the gentleman would reconsider or perhaps if we could give him maybe 5 minutes for the purposes of reviewing his amendment to determine whether he is still for his amendment.

Mr. KING of New York. Mr. Speaker, I reserve the right to object. This is the first time we have seen a copy.

Mr. HOYER. This is your amendment we are asking unanimous consent to adopt.

Mr. KING of New York. Again, I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the appropriate place in the bill, insert the following:

SEC. ____ . AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) "The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.";

(2) "Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.";

(3) "The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.";

(4) "A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires front-line border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations."; and

(5) "Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.".

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the "system").

(c) ADMINISTRATIVE PROCESS TO CORRECT INFORMATION.—The Secretary, acting through the Commissioner, shall ensure that an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

□ 1830

Mr. PRICE of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). Is there objection to the request of the gentleman from Georgia?

Mr. PASCRELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

Mr. WATT. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

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

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Speaker, the gentleman asked for a unanimous consent request. The minority rejected it, and now I understand that the Clerk continued the reading, and I get the impression that we are moving to a vote.

My inquiry is, because the unanimous consent request was brought up under unanimous consent and there was an objection, isn't that the end of it?

That is my parliamentary inquiry.

The SPEAKER pro tempore. The unanimous consent request actually addressed a separate amendment from the one reported back forthwith by the gentleman from Mississippi.

Mr. JACKSON of Illinois. So we're moving to a vote now on the amendment that was objected to brought up under unanimous consent. I'm asking for an inquiry. If the Speaker would kindly just explain to me what process we're in.

The SPEAKER pro tempore. The question is on the amendment that was proposed in the motion to recommit. That amendment has been reported forthwith and is the issue before the House.

Mr. JACKSON of Illinois. I thank the Speaker.

So we're voting on the Thompson amendment.

The SPEAKER pro tempore. No. The question before the House is the amendment reported by the chairman of the Committee on Homeland Security as ordered by the House's adoption of the motion to recommit.

The question is on the amendment.

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

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for a parliamentary inquiry.

Mr. PRICE of Georgia. How did the Speaker call the voice vote?

The SPEAKER pro tempore. The noes prevailed.

Does the gentleman from Georgia ask for a recorded vote?

Mr. PRICE of Georgia. I ask for a recorded vote.

The SPEAKER pro tempore. A recorded vote is requested.

Those in favor of a recorded vote will rise.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

How much time has to pass before you get to stand up and ask for a vote after you've already ruled? You can't stand there forever and do that. Now let's run this thing right. The vote's over.

The SPEAKER pro tempore. The gentleman from Georgia was on his feet and seeking recognition in a timely manner.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

Isn't it true that the motion to recommit was passed by a recorded vote? The SPEAKER pro tempore. Yes.

Mr. LINDER. Isn't it further true that the motion to recommit was brought back with the bill for final passage and that last motion was on final passage and you called the vote a "no"?

The SPEAKER pro tempore. No. The last vote was on the amendment reported back forthwith.

Mr. LINDER. Actually, the amendment was already agreed to and it came back with the final bill. There was no call for a separate vote on the amendment again.

The SPEAKER pro tempore. That is not correct. The adoption of the motion to recommit caused a report forthwith that placed an amendment before the House, which separately bears adoption by the House.

Mr. LINDER. By vote about 20 minutes ago.

The SPEAKER pro tempore. The Chairman of the Committee reported the bill back to the House with an amendment, which amendment still must be disposed of.

Mr. LINDER. With instructions, with the amendment included in it. So the only vote left for you to put before the House is the vote on final passage, and you called it a "no" vote.

The SPEAKER pro tempore. That is not correct. The question must be taken on the amendment reported forthwith.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as I understand it, the parliamentary situation in which we find ourselves is that we adopted a motion to recommit forthwith to be reported back with an amendment. That amendment was adopted favorably. When the vote was called, you indicated that amendment was defeated.

My parliamentary inquiry: Would at this point in time a motion to reconsider that vote be in order?

The SPEAKER pro tempore. Yes . . . the request for a recorded vote aside.

Mr. HOYER. I would suggest that a motion to reconsider might solve the problem.

Mr. Speaker, I ask unanimous consent that the last voice vote be vacated and that the question be put de novo.

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

PARLIAMENTARY INQUIRIES

Mr. BAKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. I believe the gentleman, in order to offer the motion to reconsider, would have to be on the prevailing side, and I would question the gentleman's vote on the matter.

Mr. HOYER. By the way, I'm trying to help the gentleman. You may have missed that, but I'm trying to help your side. But we can do it by unanimous consent that it be done de novo.

Parliamentary inquiry. And just so that the gentleman from Louisiana knows, on a voice vote, of course, because there is not a recorded vote, anybody can ask for a motion to reconsider because there is no record as to who voted on the prevailing side or who voted on the opposing side.

But, notwithstanding that, I press my motion de novo; that, in other words, the question be placed, once again, de novo.

The SPEAKER pro tempore. Is there objection to vacating the voice vote and taking the question de novo?

Without objection, so ordered.

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 10, as follows:

[Roll No. 318]

AYES—296

Abercrombie	Boyda (KS)	Costa
Ackerman	Braley (IA)	Costello
Allen	Brown (SC)	Courtney
Altmire	Brown, Corrine	Cramer
Andrews	Buchanan	Crowley
Arcuri	Butterfield	Cuellar
Baca	Capito	Cummings
Baird	Capps	Davis (AL)
Baldwin	Capuano	Davis (CA)
Barrow	Cardoza	Davis (IL)
Bean	Carnahan	Davis, Jo Ann
Becerra	Carney	Davis, Lincoln
Berkley	Carson	DeFazio
Berman	Castle	DeGette
Berry	Castor	Delahunt
Biggert	Chandler	DeLauro
Bilirakis	Clarke	Dent
Bishop (GA)	Clay	Diaz-Balart, L.
Bishop (NY)	Cleaver	Diaz-Balart, M.
Blumenauer	Clyburn	Dicks
Boren	Cohen	Dingell
Boswell	Cole (OK)	Doggett
Boucher	Conyers	Donnelly
Boyd (FL)	Cooper	Doyle

Edwards	Latham	Ros-Lehtinen	Hunter	Mica	Sali
Ellison	LaTourette	Roskam	Inglis (SC)	Miller (FL)	Schmidt
Ellsworth	Lee	Ross	Issa	Miller, Gary	Sensenbrenner
Emanuel	Levin	Rothman	Johnson, Sam	Moran (KS)	Sessions
Emerson	Lewis (GA)	Roybal-Allard	Jones (NC)	Musgrave	Shadegg
Eshoo	Lipinski	Ruppersberger	Jordan	Myrick	Shuster
Etheridge	LoBiondo	Rush	King (IA)	Neugebauer	Simpson
Fallin	Loeb sack	Ryan (OH)	Kingston	Nunes	Smith (NE)
Farr	Lofgren, Zoe	Salazar	Kline (MN)	Paul	Smith (TX)
Ferguson	Lowe y	Sanchez, Linda	Kucinich	Pence	Stark
Filner	Lucas	T.	Lamborn	Peterson (PA)	Stearns
Fortenberry	Lynch	Sanchez, Loretta	Lewis (CA)	Pickering	Sullivan
Fossella	Mahoney (FL)	Sarbanes	Lewis (KY)	Pitts	Tancredo
Frank (MA)	Maloney (NY)	Saxton	Linder	Poe	Walberg
Frelinghuysen	Markey	Schakowsky	Lungren, Daniel	Price (GA)	Walden (OR)
Garrett (NJ)	Marshall	Schiff	E.	Putnam	Wamp
Gerlach	Matheson	Schwartz	Mack	Radanovich	Weldon (FL)
Giffords	Matsui	Scott (GA)	Manzullo	Rogers (AL)	Westmoreland
Gilchrest	McCarthy (NY)	Scott (VA)	Marchant	Rogers (KY)	Wicker
Gillibrand	McCaul (TX)	Serrano	McCarthy (CA)	Rohrabacher	Wilson (SC)
Gillmor	McCollum (MN)	Sestak	McHenry	Royce	Young (AK)
Gonzalez	McCotter	Shays	McKeon	Ryan (WI)	
Gordon	McCrery	Shea-Porter			
Green, Al	McDermott	Sherman			
Green, Gene	McGovern	Shimkus	Brady (PA)	Johnson, E. B.	Renzi
Grijalva	McHugh	Shuler	Engel	Larson (CT)	Souder
Gutierrez	McIntyre	Sires	Fattah	McMorris	Udall (CO)
Hall (NY)	McNerney	Skelton	Herger	Rodgers	
Hare	McNulty	Slaughter			
Harman	Meehan	Smith (NJ)			
Hastings (FL)	Meek (FL)	Smith (WA)			
Hastings (WA)	Meeks (NY)	Snyder			
Hayes	Melancon	Solis			
Heller	Michaud	Space			
Herseth Sandlin	Miller (MI)	Spratt			
Higgins	Miller (NC)	Stupak			
Hill	Miller, George	Sutton			
Hinche y	Mitchell	Tanner			
Hinojosa	Mollohan	Tauscher			
Hirono	Moore (KS)	Taylor			
Hobson	Moore (WI)	Terry			
Hodes	Moran (VA)	Thompson (CA)			
Holden	Murphy (CT)	Thompson (MS)			
Holt	Murphy, Patrick	Thornberry			
Honda	Murphy, Tim	Tiahrt			
Hooley	Murtha	Tiberi			
Hoyer	Nadler	Tierney			
Hulshof	Napolitano	Towns			
Inslee	Neal (MA)	Turner			
Israel	Oberstar	Udall (NM)			
Jackson (IL)	Obey	Upton			
Jackson-Lee	Oliver	Van Hollen			
(TX)	Ortiz	Velazquez			
Jefferson	Pallone	Visclosky			
Jindal	Pascrell	Walsh (NY)			
Johnson (GA)	Pastor	Walz (MN)			
Johnson (IL)	Payne	Wasserman			
Jones (OH)	Pearce	Schultz			
Kagen	Perlmutter	Waters			
Kanjorski	Peterson (MN)	Watson			
Kaptur	Petri	Watt			
Keller	Platts	Waxman			
Kennedy	Pomeroy	Weiner			
Kildee	Porter	Welch (VT)			
Kilpatrick	Price (NC)	Weller			
Kind	Pryce (OH)	Wexler			
King (NY)	Rahall	Whitfield			
Kirk	Ramstad	Wilson (NM)			
Klein (FL)	Rangel	Wilson (OH)			
Knollenberg	Regula	Wolf			
Kuhl (NY)	Rehberg	Woolsey			
LaHood	Reichert	Wu			
Lampson	Reyes	Wynn			
Langevin	Reynolds	Yarmuth			
Lantos	Rodriguez	Young (FL)			
Larsen (WA)	Rogers (MI)				

NOES—126

Aderholt	Burgess	Dreier
Akin	Burton (IN)	Duncan
Alexander	Buyer	Ehlers
Bachmann	Calvert	English (PA)
Bachus	Camp (MI)	Everett
Baker	Campbell (CA)	Feeney
Barrett (SC)	Cannon	Flake
Bartlett (MD)	Cantor	Forbes
Barton (TX)	Carter	Foxx
Bilbray	Chabot	Franks (AZ)
Bishop (UT)	Coble	Galle gley
Blackburn	Conaway	Gingrey
Blunt	Crenshaw	Gohmert
Boehner	Cubin	Goode
Bonner	Culberson	Goodlatte
Bono	Davis (KY)	Granger
Boozman	Davis, David	Graves
Boustany	Davis, Tom	Hall (TX)
Brady (TX)	Deal (GA)	Hastert
Brown-Waite,	Doolittle	Hensarling
Ginny	Drake	Hoekstra

Miller (FL)	Schmidt
Miller, Gary	Sensenbrenner
Moran (KS)	Sessions
Musgrave	Shadegg
Myrick	Shuster
Neugebauer	Simpson
Nunes	Smith (NE)
Paul	Smith (TX)
Pence	Stark
Peterson (PA)	Stearns
Pickering	Sullivan
Pitts	Tancredo
Poe	Walberg
Price (GA)	Walden (OR)
Putnam	Wamp
Radanovich	Weldon (FL)
Rogers (AL)	Westmoreland
Rogers (KY)	Wicker
Rohrabacher	Wilson (SC)
Royce	Young (AK)
Ryan (WI)	

NOT VOTING—10

Brady (PA)	Johnson, E. B.	Renzi
Engel	Larson (CT)	Souder
Fattah	McMorris	Udall (CO)
Herger	Rodgers	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 9, 2007 to vote on rollcall vote Nos. 310, 311, 312, 313, 314, 315, 316, 317 and 318 due to a family medical situation. Had I been present, I would have voted:

“Yea” on rollcall vote No. 310 on ordering the previous question on H. Res. 382;

“Yea” on rollcall vote No. 311 on agreeing to H. Res. 382, the rule providing for consideration of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act;

“Yea” on rollcall vote No. 312 on agreeing to H. Res. 383, the rule providing for consideration of H.R. 1873, the Small Business Fairness in Contracting Act;

“Yea” on rollcall vote No. 313 on the motion to suspend the rules and pass H.R. 890, the Student Loan Sunshine Act that establishes requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans;

“Aye” on rollcall vote No. 314 on the amendment H.R. 1684 that would strike some provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

“Aye” on rollcall vote No. 315 on the amendment to H.R. 1684 that would remove section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States;

“Yea” on rollcall vote No. 316 on the amendment H.R. 1684 that would strike some